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Report of the Ad Hoc Committee on Chemical Weapons to the Conference on Disarmament on its work during the period 30 September 1991 to 20 January 1992

I. INTRODUCTION

1. In accordance with the decision taken by the Conference on Disarmament at its 605th plenary meeting held on 4 September 1991, the Ad Hoc Committee on Chemical Weapons continued its work during the following periods: 30 September-11 October 1991, 18 November-20 December 1991, and 6-20 January 1992 under the chairmanship of Ambassador Serguei B. Batsanov of the Russian Federation. During the interim periods, the Chairman of the Committee and other members of the Bureau conducted private consultations in preparation for the work of the Committee. Mr. Abdelkader Bensmail, Senior Political Affairs Officer of the Department for Disarmament Affairs continued to serve as Secretary of the Committee and Mrs. Hannelore Hoppe, Political Affairs Officer of the Department for Disarmament Affairs continued to serve as Deputy Secretary.

2. The Ad Hoc Committee held 12 meetings during the above-mentioned periods.

3. The representatives of the following States not members of the Conference participated in the work of the Ad Hoc Committee: Angola, Austria, Bangladesh, Cameroon, Chile, Colombia, Costa Rica, Democratic People's Republic of Korea, Denmark, Finland, Ghana, Greece, Holy See, Iraq, Ireland, Israel, Jordan, Kuwait, Libyan Arab Jamahiriya, Malaysia, Malta, New Zealand, Norway, Oman, Portugal, Qatar, Republic of Korea, Senegal, Spain, Syrian Arab Republic, Switzerland, Tunisia, Turkey, United Arab Emirates, Uruguay, Viet Nam and Zimbabwe.

II. SUBSTANTIVE WORK

4. In accordance with its mandate, the Ad Hoc Committee continued its work on the Convention. In particular, it considered the following issues in the framework of the three Working Groups established in 1991.

(a) Working Group A: Security Issues
(Chairman: Mr. Hassan G. Mashhadi, Islamic Republic of Iran)

- Article XI: Economic and technological development.

- Measures to ensure universality.

(b) Working Group B: Verification
(Chairman: Mr. Sylwin Giżowski, Poland)

- Article VI: Verification of the non-production of chemical weapons in the chemical industry.

(c) Working Group C
(Chairman: Mr. Andrea Perugini, Italy)

- Article XIV: Amendments.

- Financial aspects of the Organization.

- Footnotes in Articles VIII, XVII, XIX, XX and XXI.

5. In addition, the Chairman of the Ad Hoc Committee continued to hold open-ended consultations on Challenge Inspections in Article IX and on the relevant part of the Protocol on Inspection Procedures, as well as on the issue of the size, composition and decision-making process of the Executive Council (Article VIII).

6. Furthermore, the Friends of the Chair continued to conduct open-ended consultations as follows:

(a) Issues related to time limits for declarations, modalities for revision of schedules and guidelines and "low concentrations" (Mr. Arend Meerburg, The Netherlands).

(b) Issues related to the definition of other relevant facilities to be covered under Annex 3 to Article VI and definitions related to the chemical industry.
(Mr. Pierre Canonne, France).

(c) Issues relating to "old chemical weapons"
(Ambassador Soemadi D.M. Brotodiningrat, Indonesia).

7. A meeting with experts on the technical aspects of the destruction of chemical weapons was organized by the Friend of the Chair, Mr. Pierre Canonne (France), and was held during the period 7-11 October 1991 under the chairmanship of Dr. Jacobus Ooms of The Netherlands. The proceedings of the meeting are contained in document CD/CW/WP.377 of 9 December 1991.

8. In its work, the Ad Hoc Committee utilized Appendices I and II of the Report on its work in 1991 (CD/1108), proposals made by the Chairman of the Ad Hoc Committee, the Chairmen of the Working Groups, Friends of the Chair, as well as by delegations.

III. CONCLUSIONS AND RECOMMENDATIONS

9. The results of the work undertaken during the period 30 September 1991 to 20 January 1992 are reflected in the updated versions of the Appendices to CD/1108, attached hereto. Appendix I to this Report represents the present stage of elaboration of the provisions of the Draft Convention. Appendix II contains papers reflecting the results of work undertaken so far on issues in the Convention. They are enclosed as a basis for future work.

10. The Ad Hoc Committee recommends to the Conference on Disarmament:

(a) That Appendix I to this Report be used for further negotiation and drafting of the Convention;

(b) That other documents reflecting the state of work of the Ad Hoc Committee, as contained in Appendix II to this Report, together with other relevant present and future documents of the Conference, also be utilized in the further negotiation and elaboration of the Convention.

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APPENDIX I

PRELIMINARY STRUCTURE OF A CONVENTION ON CHEMICAL WEAPONS

Preamble

I. General provisions on scope

II. Definitions and criteria

III. Declarations

IV. Chemical weapons

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XX. Depositary

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XXII. Languages and authentic texts

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PREAMBLE

The States Parties to this Convention,

Determined to act with a view to achieving effective progress towards general and complete disarmament under strict and effective international control, including the prohibition and elimination of all types of weapons of mass destruction,

Desiring to contribute to the realization of the purposes and principles of the Charter of the United Nations,

Recalling that the General Assembly of the United Nations Organization has repeatedly condemned all actions contrary to the principles and objectives of the Protocol for Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925,

Recognizing that the Convention reaffirms principles and objectives of and obligations assumed under the Geneva Protocol of 17 June 1925, and the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction signed at London, Moscow and Washington on 10 April 1972,

Bearing in mind the objective contained in Article IX of the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction,

Determined for the sake of all mankind, to completely exclude the possibility of the use of chemical weapons, through the implementation of the provisions of this Convention, thereby complementing the obligations assumed under the Geneva Protocol of 17 June 1925,

Considering that the achievements in the field of chemistry should be used exclusively for the benefit of mankind,

Convinced that the complete and effective prohibition of the development, production, stockpiling and use of chemical weapons, and their destruction, represents a necessary step towards the achievement of these common objectives.

Have agreed as follows:

ARTICLE I

GENERAL PROVISIONS ON SCOPE

1. Each State Party to this Convention undertakes never under any circumstances:

(a) to develop, produce, otherwise acquire, stockpile or retain chemical weapons, or transfer, directly or indirectly, chemical weapons to anyone;

(b) to use chemical weapons, 1/ 2/;

(c) to assist, encourage or induce, in any way, anyone to engage in activities prohibited to Parties under this Convention.

2. [Each State Party undertakes not to [conduct other activities in preparation for use of chemical weapons] [engage in any military preparations for use of chemical weapons].]

3. Each State Party undertakes to destroy chemical weapons which are in its possession or under its [jurisdiction or] control. 3/ 4/

4. Each State Party undertakes to destroy any chemical weapons production facilities it owns or possesses, or that are located in any place under its jurisdiction or control, in accordance with the provisions of this Convention.

1/ The question of herbicides was subject to earlier consultations. The 1986 Chairman of these open-ended consultations has suggested the following formulation for a provision on herbicides: "Each State Party undertakes not to use herbicides as a method of warfare; such a prohibition should not preclude any other use of herbicides".

2/ It is understood that this includes prohibition of use against States not Party to the Convention.

3/ The view was expressed that the application of this provision to the destruction of discovered old chemical weapons needs to be further discussed. Another view was expressed that the application of this provision does not allow for any exceptions. The outcome of consultations carried out during the 1990 and 1991 sessions on the issue of old chemical weapons is contained in Appendix II.

4/ During the 1990 session, consultations were carried out on the issue of Jurisdiction and Control, the results of which are contained in Article VII and in Appendix II. Further work was undertaken during the 1991 session, the result of which is now incorporated in Articles I, III-VI. Paragraph 3 of Article I needs further discussion.

ARTICLE II

DEFINITIONS AND CRITERIA

For the purposes of this Convention:

1. 1/ The term "Chemical Weapons" shall apply to the following, together or separately: 2/

(a) Toxic chemicals [, including super-toxic lethal chemicals, other lethal chemicals and harmful chemicals], and their precursors [(including key precursors and key components of binary and/or multicomponent chemical systems for chemical weapons),][as well as other chemicals intended to enhance the effect of the use of those weapons,] except such chemicals intended for purposes not prohibited under the Convention, as long as the types and quantities involved are consistent with such purposes;

(b) Munitions and devices, specifically designed to cause death or other harm through the toxic properties of those toxic chemicals, as referred to above, which would be released as a result of the employment of such munitions and devices;

(c) Any equipment specifically designed for use directly in connection with the employment of such munitions or devices.

[The term "Chemical Weapons" shall not apply to those chemicals which are not super-toxic lethal, or other lethal chemicals and which are approved by the Conference of the States Parties for use by a Party for domestic law enforcement and domestic riot control purposes.]

1/ The definitions of chemical weapons are presented on the understanding that problems related to irritants used for law enforcement and riot control, and also to chemicals intended to enhance the effect of the use of chemical weapons if their inclusion in the Convention is agreed could be handled outside the definitions of chemical weapons if this will result in a more clear and understandable definition. Preliminary suggestions to solve these problems are given below and consultations on them will be continued.

2/ One delegation expressed its reservation on the present formulation of the definition of chemical weapons and on the terminology used in (a) that failed to reflect the general purpose criterion.

2. "Toxic Chemical" means:

any chemical which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans and animals. [1] This includes all such chemicals, regardless of their origin or method of production and, regardless of whether they are produced in facilities, in munitions or elsewhere.

3. "Precursor" means:

a chemical reagent which takes part in the production of a toxic chemical

[For the purpose of implementing this Convention, toxic chemicals and their precursors identified for monitoring are listed in Schedules contained in the Annex on Chemicals.]

4. "Chemical Weapons Production Facility":

(a) Means any equipment, as well as any building housing such equipment, that was designed, constructed or used at any time since 1 January 1946:

- (i) as part of the stage in the production of chemicals ("final technological stage") where the material flows would contain, when the equipment is in operation
  - (1) any chemical listed in Schedule 1 in the Annex on chemicals, or

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[1] The question of herbicides was subject to earlier consultations. The 1986 Chairman of these open-ended consultations suggested the following formulation for a provision on herbicides: "Each State Party undertakes not to use herbicides as a method of warfare; such a prohibition should not preclude any other use of herbicides".

(2) any other chemical that has no use, above [one] tonne per year, for purposes not prohibited under the Convention, but can be used for chemical weapons purposes; 1/ 2/;

or

(ii) For filling chemical weapons, including, *inter alia*, the filling of chemicals listed in Schedule 1 into munitions, devices or bulk storage containers; the filling of chemicals into containers which form part of assembled binary munitions and devices and into chemical submunitions which form part of assembled unitary munitions and devices; and the loading of the containers and chemical submunitions into the respective munitions and devices;

(b) Does not include any facility with an annual capacity for synthesis of chemicals specified in subparagraph (a) (i) above that is less than [one-two] tonne(s); (Alternative: Does not include any facility for synthesis of chemicals specified in subparagraph (a) (i) above with reaction vessels in production lines not configured for continuous operation and in which the volume of the reaction vessels does not exceed [100] litres while the total volume of all reaction vessels with a volume exceeding [five] litres is not more than [500] litres;)

(c) Does not include the single small-scale facility provided under Annex 1 to Article VI.

5. "Purposes Not Prohibited Under the Convention" means:

(a) Industrial, agricultural, research, medical, pharmaceutical or other peaceful purposes, domestic law enforcement and riot control purposes; and military purposes not connected with the use of chemical weapons;

(b) Protective purposes, namely those purposes directly related to protection against chemical weapons.

1/ Any such chemical should be included in a relevant Schedule of chemicals in the Convention.

2/ A proposal was made to the effect that the definition would not include any facility at which a chemical defined under subparagraph (a) (i) (2) above is produced as an unavoidable by-product in the manufacture of a chemical which has a use for purposes not prohibited under the Convention. Such a facility should be subject to the declarations and the verification provisions provided for under Annex 2 to Article VI, and the by-products defined under subparagraph (a) (i) (2) above should be destroyed under international verification. This proposal needs further consideration.

6. "Production Capacity" means:

(a) The annual quantitative potential for manufacturing a specific substance on the basis of the technological process actually used or, in the case of processes not yet operational, planned to be used at the facility;

(b) For the purpose of the Convention, the production capacity is taken to be equal to the nameplate capacity or, if the nameplate capacity is not available, to the design capacity. The nameplate capacity is the product output under conditions optimized for maximum quantity for the production facility, demonstrated by (a) test-run(s). The design capacity is the corresponding theoretically calculated product output.

7. Definitions related to the chemical industry

"Production of a Chemical" means the formation of a chemical through chemical reaction (to form covalent bonds), including rearrangement [and biochemical reaction].

"Processing of a Chemical" means a physical process, such as formulation, extraction and purification, in which the chemical is not converted into another chemical.

"Consumption of a Chemical" means its conversion via a chemical reaction into another chemical.

"Discrete Organic Chemical" means any organic chemical compound, identifiable by chemical name, structural formula and, if assigned, Chemical Abstracts Service Registry Number.

"Complex" (Combine) means an area comprising two or more autonomous plant sites.

"Plant Site" (Works, Factory) means the local integration of one or more plants, with any intermediate administrative levels, which are under one operational control and includes common infrastructure, inter alia:

- administration and other offices
- repair and maintenance shops
- medical centre
- utilities
- central analytical laboratory
- research and development laboratories
- central effluent and waste treatment area
- warehouse storage.

"Plant" (Production Facility, Workshop) means a relatively self-contained area, structure or bulding containing one or more (independent or interrelated) units with auxiliary and associated infrastructure which could include, inter alia:

- small administrative unit
- storage/handling areas for feedstock and products
- effluent/waste handling/pretreatment area
- quality control laboratory
- first aid service/related medical unit
- records associated with the movement of the declared chemical and its feedstock or product chemicals formed from it, as appropriate, into, around and from the site.

"Unit" (Production Unit, Process Unit) means the combination of those items of equipment, including vessels and vessel set-up, necessary for the production, processing or consumption of a chemical.

ARTICLE III

DECLARATIONS 1/ 2/

1. Each State Party shall submit to the Organization, not later than 30 days after the Convention enters into force for it, the following declarations:

(a) Chemical Weapons 3/ 4/

(i) Whether it owns or possesses any chemical weapons, or whether there are any chemical weapons located in any place under its jurisdiction or control;

(ii) Whether it has on its territory any chemical weapons located in any place under the jurisdiction or control of other States or that are under the ownership or possession of other States;

(iii) Whether it has transferred or received, directly or indirectly, any chemical weapons since 1 January 1946.

(b) Chemical Weapons Production Facilities

(i) Whether it has or has had any chemical weapons production facilities under its ownership or possession, or located in any place under its jurisdiction or control, at any time since 1 January 1946;

1/ A view was expressed that the need for this Article and its Annex requires further consideration.

2/ The view was expressed that, in light of the objective of the Convention, namely, the complete prohibition and thorough destruction of all chemical weapons, further consideration is needed on all aspects of chemical weapons relevant to this Article, including provisions concerning the old chemical weapons abandoned on the territories of other States.

3/ It was proposed that States Parties should declare whether they have discovered any chemical weapons abandoned, stockpiled or otherwise left by other States Parties on their territories without their consent or knowledge; and whether they have abandoned, stockpiled or otherwise left chemical weapons on the territories of other States during and/or since World War II.

4/ The question of old chemical weapons was subject to consultations during the 1990 and 1991 sessions. The outcome of these consultations can be found in Appendix II.

(ii) Whether it has or has had on its territory any chemical weapons production facilities located in any place under the jurisdiction or control of other States or that are or were under the ownership or possession of other States, at any time since 1 January 1946;

(iii) Whether it has transferred or received, directly or indirectly, any equipment for the production of chemical weapons [and documentation relevant to the production of chemical weapons] since 1 January 1946.

(c) Other declarations

The precise location, nature and general scope of activities of any facility and establishment [1] under its ownership or possession, or located in any place under its jurisdiction or control, designed, constructed or used since [1 January 1946] for development of chemical weapons, inter alia, laboratories and test and evaluation sites.

2. Each State Party making affirmative statements in regard to any of the provisions under subparagraphs 1 (a) and 1 (b) of this Article shall carry out all relevant measures envisaged in any or all of Articles IV and V.

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[1] The scope of the phrase "any facility and establishment" is to be clarified and an appropriate formulation found.

ARTICLE IV

CHEMICAL WEAPONS

1. The provisions of this Article and its Annex shall apply to any and all chemical weapons 1/ owned or possessed by a State Party, or that are located in any place under its jurisdiction or control.

2. Each State Party, not later than 30 days after the Convention enters into force for it, shall submit a declaration in which it shall:

(a) Specify the precise location, aggregate quantity and detailed inventory of the chemical weapons it owns or possesses, or that are located in any place under its jurisdiction or control;

(b) Report any chemical weapons on its territory that are located in any place under the jurisdiction or control of other States;

(c) Specify any direct or indirect transfer or receipt by the State Party of any chemical weapons since 1 January 1946, and

(d) Provide its general plan for destruction of chemical weapons it owns or possesses, or that are located in any place under its jurisdiction or control.

3. Each State Party shall, immediately after the declaration under paragraph 2 of this Article has been submitted, provide access to the chemical weapons it owns or possesses, or that are located in any place under its jurisdiction or control, for the purpose of systematic international on-site verification of the declaration through on-site inspection. Thereafter, each State Party shall ensure, through access to the chemical weapons it owns or possesses, or that are located in any place under its jurisdiction or control, for the purpose of systematic international on-site verification and through on-site inspection and continuous monitoring with on-site instruments, that the chemical weapons are not removed except to a chemical weapons destruction facility.

4. Each State Party shall submit detailed plans for the destruction of chemical weapons not later than 180 days before each annual destruction period begins. The detailed plans shall encompass all stocks to be destroyed during the next annual period, and shall include the precise location and the detailed composition of the chemical weapons which are subject to destruction during that period.

5. Each State Party undertakes to cooperate with other States Parties that request information or assistance on a bilateral basis or through the

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1/ The issue concerning the destruction of the chemical weapons abandoned, stockpiled or otherwise left over on the territory of a State Party by another State Party or State, without the consent or knowledge of the former, needs to be considered and resolved.

Technical Secretariat regarding methods and technologies for the safe and efficient destruction of chemical weapons.

6. Each State Party shall:

(a) Destroy any 1/ chemical weapons it owns or possesses or that are located in any place under its jurisdiction or control, pursuant to the order of destruction specified in the Annex to Article IV, beginning not later than one year after the Convention enters into force for it, and finishing not later than 10 years after the Convention enters into force; however, a State Party is not precluded from destroying them at a faster pace;

(b) Provide information annually regarding the implementation of its plans for destruction of chemical weapons; and

(c) Certify, not later than 30 days after the destruction process has been completed, that any chemical weapons it owns or possesses, or that are located in any place under its jurisdiction or control, have been destroyed.

7. Each State Party, during its transportation, sampling, storage, and destruction of any chemical weapons it owns or possesses, or that are located in any place under its jurisdiction or control, shall assign the highest priority to ensuring the safety of people and to protecting the environment. Each State party shall transport, sample, store and destroy such chemical weapons in accordance with national standards for safety and emissions.

8. Each State Party shall provide access to any chemical weapons destruction facilities and the facilities' storage it owns or possesses, or that are located in any place under its jurisdiction or control, for the purpose of systematic international on-site verification of destruction through the continuous presence of inspectors and continuous monitoring with on-site instruments, in accordance with the Annex to Article IV.

9. Any chemical weapons discovered by a State Party after the initial declaration of chemical weapons shall be reported, secured and destroyed, as provided in the Annex to Article IV. 2/ 3/

1/ The issue concerning the destruction of the chemical weapons abandoned, stockpiled or otherwise left over on the territory of a State Party by another State Party or State, without the consent or knowledge of the former, needs to be considered and resolved.

2/ Consultations were carried out on this issue. The results are reflected in CD/CW/WP.177/Rev.1. Different views were expressed, inter alia, on the question of the responsibility for the destruction of these weapons. Further work is needed.

3/ For some delegations, the question of the applicability of this Annex to obsolete chemical weapons (ordnances) retrieved from the combat zones of World War I will have to be resolved later.

10. All locations where chemical weapons are stored or destroyed shall be subject to systematic international on-site verification, through on-site inspection and monitoring with on-site instruments in accordance with the Annex to Article IV.

11. Any State Party which has on its territory chemical weapons located in any place under the jurisdiction or control, or under the ownership or possession of a State not Party to this Convention, shall ensure that such weapons are removed from its territory not later than 30 days after the Convention enters into force for it.

12. The declaration, plans and information submitted by each State Party under this Article shall be made in accordance with the Annex to Article III and the Annex to Article IV.

ARTICLE V

CHEMICAL WEAPONS PRODUCTION FACILITIES

1. The provisions of this Article shall apply to any and all chemical weapons production facilities owned or possessed by a State Party, or that are located in any place under its jurisdiction or control.

2. Each State Party with any chemical weapons production facility shall cease immediately all activity at any chemical weapons production facility it owns or possesses or, that is located in any place under its jurisdiction or control, except that required for closure.

3. No State Party shall construct any new chemical weapons production facility or modify any existing facility for the purpose of chemical weapons production or for any other purpose prohibited under the Convention.

4. Each State Party, not later than 30 days after the Convention enters into force for it, shall submit a declaration in which it shall:

(a) Specify any chemical weapons production facilities it has owned or possessed, or that have been located in any place under its jurisdiction or control, at any time since 1 January 1946;

(b) Specify any chemical weapons production facilities that have been located on its territory in any place under the jurisdiction or control of other States, at any time since 1 January 1946;

(c) Specify any transfer or any receipt, directly or indirectly, of any equipment for the production of chemical weapons [and documentation relevant to the production of chemical weapons] since 1 January 1946;

(d) Specify actions to be taken for closure of any chemical weapons production facility it owns or possessess, or that are located in any place under its jurisdiction or control;

(e) Provide its general plan for destruction for any chemical weapons production facility it owns or possesses, or that are located in any place under its jurisdiction or control;

(f) Provide its general plan for any temporary conversion of any chemical weapons production facility into a chemical weapons destruction facility.

5. Each State Party shall, immediately after the declaration under paragraph 4 has been submitted, provide access to any chemical weapons production facility it owns or possesses, or that are located in any place under its jurisdiction or control, for the purpose of systematic international on-site verification of the declaration through on-site inspection.

6. Each State Party shall:

(a) Close not later than 90 days after the Convention enters into force for it, any chemical weapons production facility it owns or possesses or that are located in any place under its jurisdiction or control in a manner that will render each facility inoperable and give notice thereof; and

(b) Provide access to any chemical weapons production facility it owns or possesses, or that are located in any place under its jurisdiction or control, subsequent to closure, for the purpose of systematic international on-site verification through periodic on-site inspection and continuous monitoring with on-site instruments in order to ensure that the facility remains closed and is subsequently destroyed.

7. Each State Party shall submit detailed plans for destruction of any chemical weapons production facility it owns or possesses, or that are located in any place under its jurisdiction or control, not later than 180 days before the destruction of the facility begins.

8. Each State Party shall:

(a) Destroy any chemical weapons production facilities it owns or possesses, or that are located in any place under its jurisdiction or control, and related facilities and equipment as specified in Section III-A of the Annex to Article V, in accordance with the order of destruction specified in that Annex, beginning not later than one year after the Convention enters into force for it, and finishing not later than 10 years after the Convention enters into force; however, a State Party is not precluded from destroying them at a faster pace;

(b) Provide information annually regarding the implementation of its plans for the destruction of the chemical weapons production facilities it owns or possesses or that are located in any place under its jurisdiction or control;

(c) Certify, not later than 30 days after the destruction process has been completed, that the chemical weapons production facilities it owns or possesses, or that are located in any place under its jurisdiction or control, have been destroyed.

9. Each State Party, during its destruction of any chemical weapons production facilities it owns or possesses, or that are located in any place under its jurisdiction or control, shall assign the highest priority to ensuring the safety of people and to protecting the environment. Each State Party shall destroy such chemical weapons production facilities in accordance with national standards for safety and emissions.

10. A chemical weapons production facility may be temporarily converted for destruction of chemical weapons in accordance with the provisions of the Annex to Article V. Such a converted facility must be destroyed as soon as it is no longer in use for destruction of chemical weapons and, in any case, not later than 10 years after the Convention enters into force.

11. Each State Party shall provide access to any chemical weapons production facilities it owns or possesses, or that are located in any place under its jurisdiction or control, for systematic international on-site verification through on-site inspection and monitoring with on-site instruments in accordance with the Annex to Article V.

12. The declaration, plans and information submitted by each State Party under this Article shall be made in accordance with the Annex to Article V.

ARTICLE VI

ACTIVITIES NOT PROHIBITED UNDER THE CONVENTION [1] [2] [3] [4]

1. Each State Party:

(a) Has the right, subject to the provisions of this Convention, to develop, produce, otherwise acquire, retain, transfer and use toxic chemicals and their precursors for purposes not prohibited under the Convention;

(b) Shall ensure that toxic chemicals and their precursors are not developed, produced, otherwise acquired, retained, transferred, or used within its territory or anywhere under its jurisdiction or control for purposes prohibited under the Convention.

2. Each State Party shall submit facilities described in paragraph 3 and chemicals listed in Schedules 1, 2A, 2B and 3, that are located within its territory or in any place under its jurisdiction or control, to the provisions in annexes 1, 2 and 3 to this Article. [5]

3. Toxic chemicals and their precursors listed in Schedules 1, 2A, 2B and 3 which could be used for purposes prohibited under the Convention, as well as

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[1] This Article and its Annexes 2 and 3 need further consideration on the basis of CD/CW/WP.256.

[2] One delegation considers that the terminology used in this Article and its Annexes should be consistent with the final definition of chemical weapons to be agreed upon.

[3] One delegation expressed the view that the question of collection and forwarding of data and other information to verify non-production requires further consideration. This delegation made reference to the Working Paper CD/CW/WP.159 of 19 March 1987, which includes draft elements for inclusion in the rolling text.

[4] The view was expressed that universal adherence to this Convention is of the highest priority. To this end, document CD/CW/WP.357, which will be discussed during the intersessionals, proposes that the Convention should contain provisions which limit trade in scheduled chemicals and materials to States Parties only.

[5] It is to be discussed further whether the prohibition contained in paragraph 1, Annex 1 to Article VI, should be extended to the chemicals in Schedules 2 and 3. In this context, a view was expressed that such an extension would pose particular legal problems in the light of the obligations for national implemention under Article VII, paragraph 1 (c). Another view was expressed that if States Parties are allowed to produce, acquire, retain, transfer or use chemicals in Schedules 2 and 3 on the territories of non-States Parties, the extension of the scope of this paragraph needs further consideration.

facilities which produce, process or consume these toxic chemicals or precursors, shall be subject to international monitoring as provided in Annexes 1, 2 and 3 to this Article. The Schedules of chemicals may be revised according to Section IV of the Annex on Chemicals.

4. Not later than 30 days after the entry into force of the Convention for it, each State Party shall declare data on relevant chemicals and the facilities which produce them, in accordance with Annexes 1, 2 and 3 to this Article.

5. Each State Party shall make an annual declaration regarding the relevant chemicals in accordance with Annexes 1, 2 and 3 to this Article.

6. Each State Party shall subject chemicals listed in Schedule 1 and facilities specified in Annex 1 to this Article to the measures contained in that Annex.

7. Each State Party shall subject chemicals listed in Schedule 2, parts A and B, and facilities declared under Annex 2 to this Article to monitoring by data reporting and systematic international on-site verificiation, through on-site inspection and use of on-site instruments as long as production and processing are not impaired.

8. Each State Party shall subject chemicals listed in Schedule 3 and facilities declared under Annex 3 to this Article to monitoring by data reporting.

9. The provisions of this Article shall be implemented in a manner which avoids, as far as possible, hampering the economic or technological development of States Parties and international cooperation in the field of chemical activities for peaceful purposes including the international exchange of scientific and technical information and chemicals and equipment for the production, processing or use of chemicals for peaceful purposes in accordance with the provisions of the Convention. 1/

10. In conducting verification activities, the Technical Secretariat shall avoid undue intrusion into the State Party's chemical activities for peaceful purposes.

11. For the purpose of on-site verification, each State Party shall grant to the inspectors access to facilities as required in the Annexes to this Article.

* * *

Many delegations are of the view that a new text will ultimately replace this Article. Some work done in the interim is reflected in the text to be found in Appendix I, under the Section "Other Documents" and in Appendix II (Annex 2 and Annex 3 to Article VI).

1/ The inclusion of this paragraph in this Article is to be considered further.

ARTICLE VII

NATIONAL IMPLEMENTATION MEASURES 1/

General undertakings

1. Each State Party shall, in accordance with its constitutional processes, adopt the necessary measures to implement its obligations under this Convention, and, in particular:

(a) to prohibit natural and legal persons anywhere on its territory or in other places under its jurisdiction as recognized by international law from undertaking any activity that a State Party to this Convention is prohibited from undertaking by this Convention;

(b) not to permit any activity as referred to under (a) in any place under its control; and

(c) to enact penal legislation, which shall extend to such activities as referred to under (a) undertaken anywhere by natural persons, possessing its nationality, in conformity with international law.

2. Each State Party shall cooperate with other States Parties and afford the appropriate form of legal assistance to facilitate the implementation of the obligations under this Article.

3. Each State Party, during the implementation of its obligations under this Convention, shall assign the highest priority to ensuring the safety of people and to protecting the environment, and shall cooperate as appropriate with other States Parties in this regard. 2/

Relations between the State Party and the Organization

4. Each State Party shall inform the Organization of the legislative and administrative measures taken to implement the Convention.

5. States Parties shall treat as confidential and afford special handling to information which they receive in connection with the implementation of the Convention from the Organization. They shall treat such information exclusively in connection with their rights and obligations under the Convention and in accordance with the provisions set out in the Annex on the Protection of Confidential Information. 3/

1/ The view was expressed that the placement of Article VII needs to be discussed further.

2/ A view was expressed that the degree of priority to be attached to the environment with respect to national obligations in Article VII needs further consideration.

3/ A view was expressed that further discussion on this subject is necessary.

6. In order to fulfil its obligations under the Convention, each State Party shall appoint a National Authority and inform the Organization of the designated National Authority at the time that the Convention enters into force for it. The National Authority shall serve as the national focal point for effective liaison with the Organization and other States Parties. 1/

7. Each State Party undertakes to cooperate with the Organization in the exercise of all its functions and in particular to provide assistance to the Technical Secretariat including data reporting, assistance for international on-site inspections, provided for in this Convention, and a response to all its requests for the provision of expertise, information and laboratory support.

1/ The view was expressed that the role of the National Authority might need to be further developed.

ARTICLE VIII

THE ORGANIZATION [1]

General Provisions

1. The States Parties to the Convention hereby establish the Organization for the Prohibition of Chemical Weapons, to achieve the objectives of the Convention, to ensure the implementation of its provisions, including those for international verification of compliance with it, and to provide a forum for consultation and co-operation among States Parties. [2]

2. All States Parties to the Convention shall be members of the Organization. A State Party shall not be deprived of its membership in the Organization.

3. The seat of the Headquarters of the Organization shall be ...

4. There are hereby established as the organs of the Organization the Conference of the States Parties, [3] the Executive Council and the Technical Secretariat.

5. The verification activities described in this Convention shall be conducted in the least intrusive manner possible consistent with the timely and efficient accomplishment of their objectives. The Organization shall request only the information and data necessary to fulfil its responsibilities under the Convention. It shall take every precaution to protect the confidentiality of information on civil and military activities and facilities coming to its knowledge in the implementation of the Convention and, in particular, shall abide by the provisions set out in the Annex on the Protection of Confidential Information.

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[1] One delegation has expressed reservations with regard to the approach being given to the concept of an Organization for the Prohibition of Chemical Weapons, or any other similar solution for this purpose, and has expressed the view that before proceeding further in the examination of this question, there is a need to define the principles that will govern the financing of such an Organization.

[2] A view was expressed that the achievement of these objectives should be sought in close cooperation with the United Nations.

[3] A view was expressed that the designation of this highest organ, to which many references are made throughout the text, should be determined only after further consideration of other provisions of the Convention and that, in this connection, the possibility of using the designation "the General Conference" may also be considered.

The Conference of the States Parties

Composition, procedure and decision-making

6. The Conference of the States Parties shall be composed of all the States Parties to this Convention. Each State Party shall have one representative in the Conference of the States Parties, who may be accompanied by alternates and advisers.

7. The first session of the Conference of the States Parties shall be convened by the Depositary at (venue) not later than 30 days after the entry into force of the Convention.

8. The Conference of the States Parties shall meet in regular sessions which should be held annually unless it decides otherwise. Special sessions shall be convened:

(a) When decided by the Conference of the States Parties;

(b) When requested by the Executive Council; or

(c) When requested by any State Party and supported by one third of the States Parties.

The special session shall be convened not later than 30 days after lodgement of the request with the Director-General unless specified otherwise in the request.

9. Sessions shall take place at the headquarters of the Organization unless the Conference of the States Parties decides otherwise.

10. The Conference of the States Parties shall adopt its Rules of Procedure. At the beginning of each regular session, it shall elect its Chairman and such other officers as may be required. They shall hold office until a new Chairman and other officers are elected at the next regular session.

11. A majority of the members of the Conference of the States Parties shall constitute a quorum.

12. Each member of the Conference of the States Parties shall have one vote.

13. The Conference of the States Parties shall take decisions on questions of procedure, including decisions to convene special sessions of the Conference, by a simple majority of the members present and voting. Decisions on matters of substance should be taken as far as possible by consensus. If consensus is not attainable when an issue comes up for decision, the Chairman shall defer any vote for 24 hours and during this period of deferment shall make every effort to facilitate achievement of consensus, and shall report to the Conference prior to the end of the period. If consensus is not possible at

the end of 24 hours, the Conference shall take the decision by a two-thirds majority of members present and voting unless otherwise specified in the Convention. When the issue arises as to whether the question is one of substance or not, that question shall be treated as one of substance unless otherwise decided by the Conference by the majority required for decisions on questions of substance.

Powers and functions

14. The Conference of the States Parties shall be the principal organ of the Organization. It shall consider any questions, matters or issues within the scope of the Convention, including those relating to the powers and functions of the Executive Council and Technical Secretariat. It may make recommendations and take decisions 1/ on any questions, matters or issues related to the Convention raised by a State Party or brought to its attention by the Executive Council.

15. The Conference of the States Parties shall oversee the implementation of the Convention, and act in order to promote its objectives. It shall review compliance with it. It shall also oversee the activities of the Executive Council and the Technical Secretariat and may issue guidelines in accordance with the Convention to either of them in the exercise of their functions.

16. In addition, the powers and functions of the Conference of the States Parties shall be:

(a) To consider and adopt at its regular sessions the report of the Organization, consider other reports and consider and adopt the programme and budget of the Organization, submitted by the Executive Council;

(b) To [encourage] [promote] international co-operation for peaceful purposes in the field of chemical activities;

(c) To review scientific and technological developments which could affect the operation of the Convention and, in this context, direct the Director-General to establish a Scientific Advisory Board to enable him, in the performance of his functions, to render specialized advice in areas of science and technology relevant to the Convention to the Conference of the

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1/ A view was expressed that the report of a fact-finding inquiry should not be put to a vote, nor should any decision be taken as to whether a Party is complying with the provisions of the Convention.

States Parties, the Executive Council or States Parties. The Scientific Advisory Board shall be composed of independent experts appointed in accordance with terms of reference adopted by the Conference of the States Parties.

(d) To decide on the scale of financial contributions to be paid by States Parties; 1/

(e) To elect the members of the Executive Council;

(f) To appoint the Director-General of the Technical Secretariat;

(g) To approve the Rules of Procedure of the Executive Council submitted by the latter;

(h) To establish such subsidiary organs as it finds necessary for the exercise of its functions in accordance with this Convention; 2/

(i) ... 3/

17. The Conference of the States Parties shall, after the expiry of five and ten years from the entry into force of this Convention and at such other times within that time period as may be agreed on, meet in special sessions to undertake reviews of the operation of this Convention. Such reviews shall take into account any relevant scientific and technological developments. At intervals of five years thereafter, unless otherwise agreed upon by a majority of the States Parties, further sessions of the Conference of the States Parties shall be convened with the same objective.

1/ The entire problem of the costs of the Organization needs to be considered.

2/ It has been proposed that a Fact-finding Panel be established as a subsidiary body.

3/ The question of functions relating to the implementation of Articles X and XI will be considered at a later stage. Other functions, e.g. the action to be taken in the event of non-compliance by a State Party, could be included as well.

The Executive Council

Composition, procedure and decision-making

18. ... 1/

Powers and functions

19. The Executive Council shall be the executive organ of the Conference of the States Parties, to which it shall be responsible. It shall carry out the powers and functions entrusted to it under the Convention and its Annexes, as well as such functions delegated to it by the Conference of the States Parties. In so doing, it shall act in conformity with the recommendations, decisions and guidelines of the Conference of the States Parties and assure their continuous and proper implementation.

20. In particular, the Executive Council shall:

(a) Promote the effective implementation of, and compliance with, the Convention;

(b) Supervise the activities of the Technical Secretariat;

(c) Cooperate with the appropriate national authorities of States Parties and facilitate consultations and co-operation among States Parties at their request;

(d) Consider any issue or matter within its competence, affecting the Convention and its implementation, including concerns regarding compliance, and cases of non-compliance, 2/ and, as appropriate, inform States Parties and bring the issue or matter to the attention of the Conference of the States Parties. In its consideration of doubts or concerns regarding compliance and cases of non-compliance, including, inter alia, abuse of the

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1/ Consultations on this issue were carried out by the Chairman of the Ad hoc Committee for the 1991 session. The outcome of these consultations is contained in Appendix II.

2/ A view was expressed that the report of a fact-finding inquiry should not be put to a vote, nor should any decision be taken as to whether a Party is complying with the provisions of the Convention.

rights provided for by the Convention, 1/ the Executive Council shall consult with the State Parties involved and, as appropriate, request the State Party to take measures to redress the situation within a specified time. To the extent that the Executive Council considers further action to be necessary, it shall take, inter alia, one or more of the following measures: 2/

(i) inform all States Parties of the issue,

(ii) bring the issue to the attention of the Conference of the States Parties,

(iii) make recommendations to the Conference of the States Parties regarding measures to redress the situation and ensure compliance.

The Executive Council shall in cases of particular gravity and urgency, bring the issue, including relevant information and conclusions directly to the attention of the United Nations General Assembly and the United Nations Security Council. It shall at the same time inform all States Parties of this step.

(e) Consider and submit to the Conference of the States Parties the draft programme and budget of the Organization;

(f) Consider and submit to the Conference of the States Parties the draft report of the Organization on the implementation of the Convention, the report on the performance of its own activities and such special reports as it deems necessary or which the Conference of the States Parties may request;

(g) Conclude agreements with States and international organizations on behalf of the Organization, subject to approval by the Conference of the States Parties, and approve agreements relating to the implementation of verification activities, negotiated by the Director-General of the Technical Secretariat with States Parties;

(h) Conclude agreements with States Parties in connection with Article X and supervise the voluntary fund for the purpose of this Article;

(i) (i) Meet for regular sessions. Between regular sessions, it shall meet as often as may be required for the fulfilment of its functions;

(ii) Elect its Chairman;

(iii) Elaborate and submit its Rules of Procedure to the Conference of the States Parties for approval;

1/ The view was expressed that it was not necessary to mention the abuse of rights as a specific case of non-compliance.

2/ The view was expressed that the role of the Executive Council at this juncture needs further elaboration.

(iv) Make arrangements for the sessions of the Conference of the States Parties including the preparation of a draft agenda.

21. The Executive Council may request the convening of a special session of the Conference of the States Parties.

The Technical Secretariat

22. A Technical Secretariat shall be established to assist the Conference of the States Parties and the Executive Council in the performance of their functions. The Technical Secretariat shall carry out the functions entrusted to it under the Convention and its Annexes, as well as such functions assigned to it by the Conference of the States Parties and the Executive Council.

23. In particular, the Technical Secretariat shall:

(a) Address and receive communications on behalf of the Organization to and from States Parties on matters pertaining to the implementation of the Convention;

(b) Negotiate the agreements on subsidiary arrangements with States Parties relating to systematic international on-site verification for approval by the Executive Council;

(c) Carry out international verification measures provided for in the Convention; 1/

(d) Prepare and submit to the Executive Council the draft report of the Organization on the implementation of the Convention and such other reports as the Executive Council and/or the Conference of the States Parties may request;

(e) Inform the Executive Council of any problems which have arisen with regard to the execution of its functions, including doubts, ambiguities or uncertainties about compliance with the Convention which have come to its notice in the performance of its verification activities and which it has been unable to resolve or clarify through its consultations with the State Party concerned;

(f) Provide technical assistance and technical evaluation to States Parties in the implementation of the provisions of the Convention, including evaluations of listed and unlisted chemicals;

(g) Prepare and submit to the Executive Council the draft programme and budget of the Organization;

(h) Provide administrative and technical support to the Conference of the States Parties, the Executive Council and other subsidiary organs.

1/ It has been suggested that the Inspectorate may request inspections for some insufficiently clear situations in the context of their systematic verification activities.

(i) In relation with Article X, paragraph 6, administer the voluntary fund, compile declarations made by States Parties and register, when requested, bilateral agreements concluded between States Parties or a State Party and the Organization for the purposes of Article X.

24. The Inspectorate shall be a unit of the Technical Secretariat and shall act under the supervision of the Director-General of the Technical Secretariat.

25. The Technical Secretariat shall comprise a Director-General, who shall be its head and chief administrative officer, and inspectors and such scientific, technical and other personnel as may be required.

26. The Director-General of the Technical Secretariat shall be appointed by the Conference of the States Parties upon the recommendation of the Executive Council for four years renewable for one further term, but not thereafter. The Director-General shall be responsible to the Conference of the States Parties and the Executive Council for the appointment of the staff and the organization and functioning of the Technical Secretariat. The paramount consideration in the employment of the staff and in the determination of the conditions of services shall be the necessity of securing the highest standards of efficiency, competence and integrity. Only citizens of States Parties shall serve as inspectors or as other members of the professional and clerical staff. Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible. Recruitment shall be guided by the principle that the staff shall be kept to a minimum necessary for the proper execution of its responsibilities.

27. Consequent to paragraph 16 (c) above, the Director-General is responsible for the organization and functioning of the Scientific Advisory Board. He shall, in consultation with States Parties, appoint members of the Scientific Advisory Board who shall serve in their individual capacity. The members of the Board shall be appointed on the basis of their expertise in the particular scientific fields relevant to the implementation of the Convention. The Director-General may also, as appropriate, in consultation with members of the Board, establish temporary working groups of scientific experts to provide recommendations on specific issues. In regard to the above, States Parties may submit lists of experts to the Director-General.

28. In the performance of their duties, the Director-General of the Technical Secretariat, the inspectors and other members of the staff shall not seek or receive instructions from any Government or from any other source external to the Organization. They shall refrain from any action which might reflect on their positions as international officers responsible only to the Conference of the States Parties and the Executive Council.

29. Each State Party shall undertake to respect the exclusively international character of the responsibilities of the Director-General of the Technical Secretariat, the inspectors and the other members of the staff and not seek to influence them in the discharge of their responsibilities.

ARTICLE IX

CONSULTATIONS, COOPERATION AND FACT-FINDING

1. States Parties shall consult and cooperate, directly among themselves, or through the Organization or other appropriate international procedures, including procedures within the framework of the United Nations and in accordance with its Charter, on any matter which may be raised relating to the objectives or the implementation of the provisions of this Convention.

2. States Parties shall make every possible effort to clarify and resolve, through exchange of information and consultations among them, any matter which may cause doubt about compliance with this Convention, or which gives rise to concerns about a related matter which may be considered ambiguous. A Party which receives a request from another Party for clarification of any matter which the requesting Party believes causes such doubts or concerns shall provide the requesting Party, not later than ... days after the request, with information sufficient to answer the doubts or concerns raised along with an explanation on how the information provided resolves the matter. Nothing in this Convention affects the right of any two or more States Parties to arrange by mutual consent for inspections or any other procedures among themselves to clarify and resolve any matter which may cause doubts about compliance or gives rise to concerns about a related matter which may be considered ambiguous. Such arrangements shall not affect the rights and obligations of any State Party under other provisions of this Convention.

Procedure for requesting clarification

3. A State Party shall have the right to request the Executive Council to assist in clarifying any situation which may be considered ambiguous or which gives rise to doubts about the compliance of another State Party with the Convention. The Executive Council shall provide appropriate information and data in its possession relevant to the situation which can dispel such doubts.

4. A State Party shall have the right to request the Executive Council to obtain clarification from another State Party on any situation which may be considered ambiguous or which gives rise to doubts about its compliance with the Convention. In such a case, the following shall apply:

(a) The Executive Council shall forward the request for clarification to the State Party concerned not later than 24 hours after its receipt;

(b) The requested State Party shall provide the clarification to the Executive Council not later than seven days after the receipt of the requests;

(c) The Executive Council shall forward the clarification to the requesting State Party not later than 24 hours after its receipt;

(d) In the event that the requesting State Party deems the clarification to be inadequate, it may request the Executive Council to obtain from the requested State Party further clarification;

(e) For the purpose of obtaining further clarification requested under subparagraph (d) above, the Executive Council may set up a group of experts to examine all available information and data relevant to the situation causing the doubt. The group of experts shall submit a factual report to the Executive Council on its findings;

(f) Should the requesting State Party consider the clarification obtained under subparagraphs (d) and (e) above to be unsatisfactory, it may request a special meeting of the Executive Council in which States Parties involved not members of the Executive Council shall be entitled to take part. In such a special meeting, the Executive Council shall consider the matter and may recommend any measure it deems appropriate to cope with the situation.

5. A State Party shall also have the right to request the Executive Council to clarify any situation which has been considered ambiguous or has given rise to doubts about its compliance with the Convention. The Executive Council shall respond by providing such assistance as appropriate.

6. The Executive Council shall inform the States Parties about any request for clarification provided in this Article.

7. If the doubts or concerns of a State Party about compliance have not been resolved not later than 60 days after the submission of the request for clarification to the Executive Council, or it believes its doubts warrant urgent consideration, without necessarily exercising its right to the challenge procedure, it may request a special session of the Conference of the States Parties in accordance with Article VIII. In such a special session, the Conference of the States Parties shall consider the matter and may recommend any measure it deems appropriate to cope with the situation.

Procedure for Challenge Inspections 1/

1/ Consultations on this issue were carried out by the Chairman of the Ad Hoc Committee for the 1991 session, the outcome of which is contained in the Addendum to Appendix I.

ARTICLE X

ASSISTANCE AND PROTECTION AGAINST CHEMICAL WEAPONS

1. For the purposes of this Article, assistance means the coordination and delivery to States Parties of protection against chemical weapons, that covers, inter alia, the following areas: detection equipment and alarm systems, protective equipment, decontamination equipment and decontaminants, medical antidotes and treatments and advice on any of these protective measures.

2. Nothing in this Convention shall be interpreted as impeding the right of any State Party to it to conduct research into, develop, produce, acquire, transfer or use means of protection against chemical weapons, for purposes not prohibited by the Convention.

3. All States Parties to the Convention undertake to facilitate, and shall have the right to participate in, the fullest possible exchange of equipment, material and scientific and technological information concerning means of protection against chemical weapons.

4. The Technical Secretariat shall establish within 180 days after the entry into force of the Convention and maintain, for the use of any requesting State Party, a data bank containing freely available information concerning various means of protection against chemical weapons as well as such information as may be provided by States Parties.

The Technical Secretariat shall also, within the resources available to it, and at the request of a State Party, provide expert advice and assist it in identifying how its programmes for the development and improvement of a protective capacity against chemical weapons could be implemented.

5. Nothing in this Convention shall be interpreted as impeding the right of States Parties to request and provide assistance bilaterally and to conclude individual agreements with other States Parties concerning the emergency procurement of assistance.

6. Each State Party undertakes to provide assistance through the Organization and to this end to elect:

(i) to contribute to the voluntary fund for assistance to be established by the Conference of the States Parties at its first session; and/or

(ii) to conclude, if possible within 180 days after the entry into force of the Convention for it, agreements with the Organization concerning the procurement, upon demand, of assistance; and/or

(iii) to declare within 180 days after the entry into force of the Convention for it the kind of assistance it might provide in response to an appeal by the Organization. If, however, a State Party is unable to provide the assistance envisaged in its declaration, it is still under obligation to provide assistance in accordance with this paragraph.

7. Each State Party has the right to request and, subject to the procedures set forth in paragraphs 8, 9 and 10 below, to receive assistance and protection against the use or threat of use of chemical weapons if it considers that:

- chemical weapons have been used against it;
- it faces actions or activities by any State which are prohibited for States Parties by Article I of this Convention.

8. The request, substantiated by relevant information, shall be made to the Director-General of the Technical Secretariat, who shall immediately inform all States Parties and the Executive Council about it.

The Director-General shall initiate within 24 hours an investigation in order to provide foundation for action, complete it within 72 hours and forward a report to the Executive Council. If further time is required for completion of the investigation, an interim report shall be submitted within the same time-frame. The additional time required for investigation shall not exceed 72 hours and may be extended by similar periods. Reports at the end of each additional period shall be submitted to the Executive Council. The investigation shall, as appropriate and in conformity with the request and the information accompanying it, establish relevant facts related to the request as well as the types and scope of assistance and protection needed.

9. The Executive Council shall meet not later than 24 hours after receiving an investigation report to consider the situation and shall take a decision by simple majority in the following 24 hours on whether to instruct the Technical Secretariat to provide assistance. The Technical Secretariat shall immediately communicate to all States Parties and relevant international organizations the investigation report and the decision taken by the Executive Council. When so decided by the Executive Council, the Director-General of the Technical Secretariat shall provide assistance immediately. For this purpose, he may cooperate with the requesting State Party, other States Parties and relevant international organizations. The States Parties shall make the fullest possible efforts to provide assistance.

10. In case the information available from the ongoing investigation or other reliable sources would give sufficient proof that there are victims of use of chemical weapons and immediate action is indispensable, the Director-General of the Technical Secretariat shall inform all States Parties and shall take emergency measures of assistance, using the resources the Conference of States Parties has placed at his disposal for such contingencies. The Director-General shall keep the Executive Council informed of action he is taking in this respect.

ARTICLE XI

ECONOMIC AND TECHNOLOGICAL DEVELOPMENT

1. The provisions of this Convention shall be implemented in a manner which avoids, as far as possible, hampering the economic or technological development of Parties to the Convention and international cooperation in the field of chemical activities for purposes not prohibited under the Convention including the international exchange of scientific and technical information and chemicals and equipment for the production, processing or use of chemicals for purposes not prohibited under the Convention.

2. The States Parties to this Convention, subject to its provisions, shall:

(a) have the right, individually or collectively, to conduct research with, to develop, produce, acquire, retain, transfer, and use chemicals;

(b) undertake to facilitate, and have the right to participate in, the fullest possible exchange of chemicals, equipment and scientific and technical information relating to the development and application of chemistry for purposes not prohibited by this Convention;

(c) not impose among themselves any restrictions [on a discriminatory basis] which would impede development and promotion of scientific and technological knowledge in the field of chemistry for purposes not prohibited under the Convention.

[(d) undertake to withdraw all existing discriminatory restrictions in the chemical field applied to States Parties as soon as the Convention enters into force.] 1/

[(d) undertake to review the existing national regulations in the field of trade in chemicals in order to render them consistent with the object and purposes of this Convention.]

This provision shall be without prejudice to the generally recognized principles and applicable rules of international law concerning chemical activities for purposes not prohibited under the Convention including those concerning proprietary rights and environmental or health protection.

1/ Some delegations hold the view that exceptions should be made for existing restrictions required by States Parties to prevent the proliferation of chemical weapons, to advance other objectives of the Convention, or for other important national foreign policy objectives.

ARTICLE XII

MEASURES TO REDRESS A SITUATION AND TO ENSURE COMPLIANCE, INCLUDING SANCTIONS

1. The Conference of the States Parties shall take the necessary measures, as provided for under paragraphs 2 to 4 below, to ensure compliance with the Convention and to redress and remedy any situation which contravenes the provisions of the Convention. In considering action under this paragraph, the Conference of the States Parties shall take into account all information and recommendations on the issues submitted by the Executive Council.

2. In cases where a State Party has been requested to take measures to redress a situation raising problems with regard to its compliance and where the State Party fails to fulfil the request within the specified time, the Conference of the States Parties may - *inter alia* - restrict or suspend the State Party's rights and privileges 1/ under the Convention until it undertakes the necessary action to conform with its obligations under the Convention.

3. In cases where serious damage to the objectives and purposes of the Convention may result from actions prohibited by the Convention, in particular by Article I, the Conference of the States Parties may recommend collective measures to States Parties in conformity with international law. 2/

4. The Conference of the States Parties shall in cases of particular gravity, bring the issue, including relevant information and conclusions to the attention of the United Nations General Assembly and the United Nations Security Council.

ARTICLE XIII

RELATION TO OTHER INTERNATIONAL AGREEMENTS

Nothing in this Convention shall be interpreted as in any way limiting or detracting from the obligations assumed by any State under the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, and under the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction, signed at London, Moscow and Washington on 10 April 1972.

1/ The view was expressed that the question of restricting or suspending States Parties' rights and privileges needs further consideration.

2/ The view was expressed that further consideration should be given to this issue in connection with Article VIII, paragraph 20 (d).

ARTICLE XIV

AMENDMENTS 1/

1. Any State Party may propose amendments to this Convention, 2/ including its Annexes and Protocols. Proposals for amendments shall be subject to the procedures in paragraphs 2 and 3 of this Article except proposals concerning provisions subject to a simplified amendment procedure as provided for under paragraphs 4 and 5.

2. The text of a proposed amendment shall be submitted to the Director-General of the Technical Secretariat for circulation to all States Parties of the Convention. It shall be considered only by an Amendment Conference. Such an Amendment Conference shall be convened if one third or more of the States Parties notify to the Director-General not later than [..] days after its circulation that they support further consideration of the proposal. The Amendment Conference shall be held immediately following a regular session of the Conference of the States Parties unless the requesting States Parties ask for an earlier meeting. In no case shall an Amendment Conference be held less than 60 days after the circulation of the proposed amendment.

3. Amendments shall enter into force for all States Parties 30 days after deposit of the instruments of ratification or acceptance by all the States Parties referred to under (b) below:

(a) When adopted by the Amendment Conference by a positive vote of a majority 3/ of States Parties with no State Party casting a negative vote; 4/ 5/ 6/

(b) And ratified or accepted by all those States Parties casting a positive vote at the Amendment Conference.

1/ The view was expressed that this Article needs further development on the basis of future consideration.

2/ The view was expressed that provisions which, if amended, would change the character of the Convention, should not be subject to amendments.

3/ The view was expressed that "majority" needs further clarification.

4/ The view was expressed that the adoption of an amendment by consensus should be further considered. Another view was expressed that decisions on proposed amendments could also be taken by a qualified majority, in particular, on amendments to (parts of) Article VIII.

5/ The view was expressed that the effect of allowing as little as one negative vote to prevent the adoption of a proposal for an amendment might in practice make the Convention unamendable.

6/ Concerns were expressed as to the fact that with the proposed provision a State Party could be bound by an amendment without having approved or ratified it.

4. The following provisions shall be subject to a simplified amendment procedure:

schedules [as specified in the Annex on Chemicals]
guidelines [as specified in the Annex on Chemicals] 1/
... 2/

5. (a) Proposals for amendments under a simplified amendment procedure shall be transmitted together with the necessary information to the Director-General of the Technical Secretariat. Additional information for the evaluation of the proposal may be provided by any State Party and the Director-General. The Director-General shall promptly communicate any such proposals and information to all States Parties and the Executive Council;

(b) The Executive Council shall examine the proposal in the light of all information available to it. Not later than 90 days after its receipt, the Executive Council shall notify its recommendation to all States Parties for consideration. States Parties shall acknowledge receipt within 10 days;

(c) If the Executive Council recommends to all States Parties that the proposal be adopted, it shall be considered approved if no more than [x] States Parties object to it not later than 90 days after receipt of the recommendation. If the Executive Council recommends that the proposal be rejected, it shall be considered rejected if no more than [x] States Parties object to the rejection not later than 90 days after receipt of the recommendation; 3/

(d) If a recommendation of the Executive Council does not meet with the acceptance required under subparagraph (c), a decision on the proposal shall be taken as a matter of substance by the Conference of the States Parties at its next session;

1/ Views were expressed that the revision of guidelines should not be subject to a simplified amendment procedure.

2/ The list of other relevant provisions has to be established at a later stage.

3/ The view was expressed that this amendment procedure should not constitute a precedent with regard to powers and functioning of the Executive Council.

(e) The Executive Council may itself propose amendments, making use of information provided by the Director-General. In such cases, subparagraphs (c) and (d) shall be applied accordingly;

(f) The Director-General shall notify all States Parties of any decision under this paragraph;

(g) An amendment approved under this procedure shall enter into force for all States Parties 60 days after the date of its notification by the Director-General unless otherwise recommended by the Executive Council or decided by the Conference of the States Parties.

ARTICLE XV

DURATION AND WITHDRAWAL 1/

1. This Convention shall be of unlimited duration.

2. Each State Party shall, in exercising its national sovereignty, have the right to withdraw from the Convention if it decides that extraordinary events, related to the subject matter of the Convention, have jeopardized the supreme interests of its country. It shall give notice of such withdrawal to all other States Parties and the (United Nations Security Council) (Depositary) 90 days in advance. 2/ Such notice shall include a statement of the extraordinary events it regards as having jeopardized its supreme interests.

3. The withdrawal of a State Party from this Convention shall not in any way affect the duty of States to continue fulfilling the obligations assumed under any relevant rules of international law, particularly the Geneva Protocol of 17 June 1925.

1/ A view was expressed that the withdrawal of any State Party shall not affect its obligations under Article I of this Convention.

2/ A view was expressed that the question of possibly setting different periods for the purpose of different circumstances relating to withdrawal, instead of a single period, requires further consideration.

ARTICLE XVI

SETTLEMENT OF DISPUTES

1. Disputes which may arise concerning the application or the interpretation of this Convention shall be settled in accordance with the relevant provisions of this Convention and in conformity with the provisions of the Charter of the United Nations.

2. When a dispute arises between two or more Parties relating to the interpretation or application of this Convention, the Parties concerned shall consult together with a view to the expeditious settlement of the dispute by negotiation or by other peaceful means of the Parties' choice, including recourse to appropriate organs of the Convention and/or, by mutual consent, referral to the International Court of Justice in conformity with the Statute of the Court. The States Parties involved shall keep the Executive Council informed of actions being taken.

3. The Executive Council [may] [shall] contribute to the settlement of a dispute by whatever means it deems appropriate, including offering its good offices [, calling upon the States Parties to a dispute to start the settlement process of their choice and recommending a time-limit for any agreed procedure].

4. The Conference of the States Parties shall consider questions related to disputes raised by States Parties or brought to its attention by the Executive Council. The Conference of the States Parties shall, as it finds necessary, establish and/or entrust organs with tasks related to the settlement of these disputes in conformity with Article VIII, paragraph 16 (h). 1/

5. The Conference of the States Parties and the Executive Council are separately empowered, subject to authorization from the General Assembly of the United Nations, to request the International Court of Justice to give an advisory opinion on any legal question arising within the scope of the activities of the Organization.

6. This Article is without prejudice to Article IX or to the provisions on Measures to redress a situation and to ensure compliance, including sanctions.

1/ It is understood that the competence of existing international administrative tribunals (United Nations Administrative Tribunal or International Labour Organisation Administrative Tribunal) for staff disputes might be recognized, subject to the rules of relevant organizations, through an appropriate resolution of the Conference of the States Parties.

ARTICLE XVII

SIGNATURE

This Convention shall be open for signature for all States before its entry into force.

ARTICLE XVIII

RATIFICATION

This Convention shall be subject to ratification by States Signatories according to their respective constitutional processes.

ARTICLE XIX

ACCESSION

Any State which does not sign the Convention before its entry into force may accede to it at any time.

ARTICLE XX

DEPOSITARY

The Secretary-General of the United Nations is hereby designated as the Depositary of this Convention and shall:

1. Promptly inform all signatory and acceding States of the date of each signature, the date of deposit of each instrument of ratification or of accession and the date of the entry into force of this Convention, and of the receipt of other notices. The Depositary shall immediately upon receipt transmit any notices required by this Convention to every Party;

2. Transmit duly certified copies of this Convention to the Governments of all signatory and acceding States;

3. Register this Convention pursuant to Article 102 of the Charter of the United Nations.

ARTICLE XXI

ENTRY INTO FORCE

1. This Convention shall enter into force (30) days after the date of the deposit of the (60th) instrument of ratification.

2. For States whose instruments of ratification or accession are deposited subsequent to the entry into force of this Convention, it shall enter into force on the (30th) day following the date of deposit of their instrument of ratification or accession.

ARTICLE XXII

LANGUAGES AND AUTHENTIC TEXTS

This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

ANNEXES

ANNEX ON CHEMICALS

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ANNEX ON CHEMICALS

I. DEFINITIONS [1]

A. Definitions related to toxicity

(a) "super-toxic lethal chemicals", means chemicals which have a median lethal dose which is less than or equal to 0.5 mg/kg (subcutaneous administration) or 2,000 mg-min/m^3 (by inhalation) when measured by an agreed method [2] set forth in ...

["Ultra-toxic chemicals" means super-toxic lethal chemicals which have a median lethal dose which is less than or equal to 0.1 mg/kg.]

[(b) "other lethal chemicals", means chemicals which have a median lethal dose which is greater than 0.5 mg/kg (subcutaneous administration) or 2,000 mg-min/m^3 (by inhalation) and less than or equal to 10 mg/kg (subcutaneous administration) or 20,000 mg-min/m^3 (by inhalation) when measured by an agreed method set forth in ...

[(c) "other harmful chemicals", means any [toxic] chemicals not covered by (a) or (b) above, [including toxic chemicals which normally cause temporary incapacitation rather than death] [at similar doses to those at which super-toxic lethal chemicals cause death].]

[and "other harmful chemicals", means chemicals which have a median lethal dose which is greater than 10 mg/kg (subcutaneous administration) or 20,000 mg-min/m^3 (by inhalation).]]

B. Definitions related to precursor chemicals

(a) "Key Precursor" means:

a precursor which poses a significant risk to the objectives of the Convention by virtue of its importance in the production of a toxic chemical.

It may possess [possesses] the following characteristics:

---

[1] The final placement of these definitions within the Convention will be decided at a later stage.

[2] It was noted that after such measurements had actually been performed, the figures mentioned in this and the following section might be subject to slight changes in order to cover sulphur mustard gas under the first category.

(i) It may play [plays] an important role in determining the toxic properties of a [toxic chemical prohibited by the Convention] [super-toxic lethal chemical].

(ii) It may be used in one of the chemical reactions at the final stage of formation of the [toxic chemicals prohibited by the Convention] [super-toxic lethal chemical].

[(iii) It may [is] not be used, or [is] used only in minimal quantities, for permitted purposes.] 1/

[(b) Key component of binary and/or multicomponent chemical systems for chemical weapons means:]

[a precursor which forms a toxic chemical in the binary or multicomponent weapons munition or device and which has the following additional characteristics (to be elaborated):]

1/ The position of this subparagraph should be decided in relation to how some chemicals, for instance, isopropylalcohol, are dealt with in the Convention.

II. SCHEDULES OF CHEMICALS 1/ 2/ (CAS number)

A. Schedule 1

1. O-Alkyl ($\leq C_{10}$, incl. cycloalkyl) alkyl (Me, Et, n-Pr or i-Pr)-phosphonofluoridates 3/

e.g. Sarin: O-isopropyl methylphosphonofluoridate (107-44-8)
Soman: O-pinacolyl methylphosphonofluoridate (96-64-0)

2. O-Alkyl ($\leq C_{10}$, incl. cycloalkyl) N,N-dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidocyanidates 3/

e.g. Tabun: O-ethyl N,N-dimethylphosphoramidocyanidate (77-81-6)

3. O-Alkyl (H or $\leq C_{10}$, incl. cycloalkyl) S-2-dialkyl (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, n-Pr or i-Pr) phosphonothiolates and corresponding alkylated and protonated salts 3/

e.g. VX: O-ethyl S-2-diisopropylaminoethyl methyl phosphonothiolate (50782-69-9)

4. Sulphur mustards:

2-Chloroethylchloromethylsulphide	(2625-76-5)
bis(2-chloroethyl)sulphide: Mustard gas (H)	(505-60-2)
bis(2-chloroethylthio)methane	(63869-13-6)
1,2-bis(2-chloroethylthio)ethane: Sesquimustard (Q)	(3563-36-8)
1,3-bis(2-chloroethylthio)-n-propane	(63905-10-2)
1,4-bis(2-chloroethylthio)-n-butane	
1,5-bis(2-chloroethylthio)-n-pentane	
bis(2-chloroethylthiomethyl)ether	
bis(2-chloroethylthioethyl)ether: O-Mustard (T)	(63918-89-8)

1/ Further consultations were held during 1991 on the Schedules of Chemicals. The Friend of the Chair on Technical Matters prepared a discussion paper for further consideration, which is contained in document CD/CW/WP.362.

2/ The ultimate composition of these Schedules depends, *inter alia*, on the final guidelines for the Schedules, on the to be agreed verification regime with respect to the chemical industry, on actual production levels of certain chemicals and on the thresholds for declaration and verification to be agreed for Schedule 2 B. This means that chemicals may at a later stage in the negotiations be added to, transferred between or removed from the Schedules. Further consideration also needs to be given to the specific verification requirements with respect to toxins.

A view was expressed that the composition of the Schedules should be based solely on the criteria contained in the guidelines for the Schedules.

3/ The precise delimitation of this group requires further discussion.

5.	Lewisites:	
	Lewisite 1: 2-chlorovinyldichloroarsine	(541-25-3)
	Lewisite 2: bis(2-chlorovinyl)chloroarsine	(40334-69-8)
	Lewisite 3: tris(2-chlorovinyl)arsine	(40334-70-1)
6.	Nitrogen mustards:	
	HN1: bis(2-chloroethyl)ethylamine	(538-07-8)
	HN2: bis(2-chloroethyl)methylamine	(51-75-2)
	HN3: tris(2-chloroethyl)amine	(555-77-1)
7.	3-Quinuclidinyl benzilate (BZ) 1/ 2/	(6581-06-2)
8.	Saxitoxin 3/	(35523-89-8)
9.	Ricin 3/	
10.	Alkyl (Me, Et, n-Pr or i-Pr) phosphonyldifluoride 3/	
	e.g. DF: methylphosphonyldifluoride	(676-99-3)
11.	O-Alkyl (H or $\leq C_{10}$, incl. cycloalkyl) O-2-dialkyl (Me, Et, n-Pr or i-Pr)-aminoethyl alkyl (Me, Et, N-Pr or i-Pr) phosphonites and corresponding alkylated and protonated salts 4/	
	e.g. QL: O-ethyl O-2-diisopropylaminoethyl methylphosphonite	(57856-11-8)

1/ The desirability of extending this item to include also related chemicals should be further discussed.

2/ The view was expressed that this chemical should be included in Schedule 2 part B because of its production (as an intermediate in captive use) for purposes not prohibited under the Convention.

3/ The placement of toxins on the Schedule requires further consideration. A view was expressed that relevant toxins should be considered for inclusion in Schedule 2 part B, for example, in a separate section with lower thresholds for declaration and verification compared with other chemicals on that Schedule. Another view was expressed that different toxins could be included in different Schedules in accordance with the guidelines for those Schedules.

4/ The view was expressed that other members than DF and QL should be put on Schedule 2 part A, where however they are already covered by the first item.

[12. O-Alkyl ($\leq C_{10}$, incl. cycloalkyl) alkyl (Me, Et, n-Pr or i-Pr)-phosphonochloridates 1/ 2/

e.g. Chloro Sarin: O-isopropyl methylphosphonochloridate (1445-76-7)
Chloro Soman: O-pinacolyl methylphosphonochloridate (7040-57-5)]

[13. 3,3-Dimethylbutan-2-ol (pinacolyl alcohol) 3/ (464-07-3)]

B. Schedule 2 part A

1. Chemicals containing a phosphorus atom to which is bonded one methyl, ethyl or propyl (normal or iso) group but not further carbon atoms, except for those chemicals listed under Schedule 1. 1/

2. N,N-Dialkyl (Me, Et, n-Pr or i-Pr) phosphoramidic dihalides

3. Dialkyl (Me, Et, n-Pr or i-Pr) N,N-dialkyl (Me, Et, n-Pr or i-Pr)-phosphoramidates

4. Arsenic trichloride (7784-34-1)

5. 2,2-Diphenyl-2-hydroxyacetic acid 4/ (76-93-7)

6. Quinuclidin-3-ol 4/ (1619-34-7)

1/ The precise delimitation of this group requires further discussion.

2/ A view was expressed that this group belongs to Schedule 2 part A, where it is already covered by the first item.

3/ A view was expressed that this chemical should be included in Schedule 2 part A.

4/ If item 7 on Schedule 1 is expanded into a group, a corresponding expansion should be considered for items 5 and 6 on Schedule 2 part A. Item 5 could, e.g., then include:

2-phenyl-2-(phenyl, cyclohexyl, cyclopentyl or cyclobutyl)-2-hydroxyacetic acids and their methyl, ethyl, n-propyl and iso-propyl esters,

and item 6 could, e.g., include:

3- or 4-hydroxypiperidine and their [derivatives] and [analogs].

7. N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethyl-2-chloride and corresponding quaternary ammonium compounds 1/ 2/

8. N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-ol and corresponding quaternary ammonium compounds 1/ 2/

9. N,N-Dialkyl (Me, Et, n-Pr or i-Pr) aminoethane-2-thiol and corresponding quaternary ammonium compounds 1/ 2/

10. Bis(2-hydroxyethyl)sulphide (thiodiglycol) 3/ (111-48-8)

[11. 3,3-Dimethylbutan-2-ol (pinacolyl alcohol) 4/ (464-07-3)]

C. Schedule 2 part B

Amiton: O,O-Diethyl S-(2-(diethylamino)ethyl) phosphorothiolate and corresponding alkylated and protonated salts (78-53-5)

[PFIB: 1,1,3,3,3 - pentafluoro -2- (trifluoromethyl) - 1 - propene 5/ (382-21-8)]

1/ It was suggested that a limitation of the group to contain only the N,N-diisopropyl compounds should be considered in view of the scale of the commercial production of other group members. These other group members could then be included in Schedule 3. In this context, a view was also expressed that it could be sufficient to have only the N,N-diisopropyl compounds in Schedule 2 part A from the viewpoint that they are key precursors to VX. Furthermore a view was expressed that unless an appropriate limitation of the group can be provided, the placement of this group on this schedule should be reconsidered in light of existing commercial production of substances included in the group.

2/ A view was expressed that "and corresponding quaternary ammonium compounds" should be replaced by "and corresponding salts".

3/ A view was expressed that this chemical should be included in Schedule 3.

4/ A view was expressed that this chemical should be included in Schedule 1.

5/ The view was expressed that further consideration is needed on the whole question of the handling of by-products that pose a risk to the Convention.

D. Schedule 3 1/

1.	Phosgene	(75-44-5)
2.	Cyanogen chloride	(506-77-4)
3.	Hydrogen cyanide	(74-90-8)
4.	Trichloronitromethane (chloropicrin)	(76-06-2)
5.	Phosphorus oxychloride	(10025-87-3)
6.	Phosphorus trichloride	(7719-12-2)
7.	Phosphorus pentachloride	(10026-13-8)
8.	Trimethyl phosphite	(121-45-9)
9.	Triethyl phosphite	(122-52-1)
10.	Dimethyl phosphite	(868-85-9)
11.	Diethyl phosphite	(762-04-9)
12.	Sulphur monochloride	(10025-67-9)
13.	Sulphur dichloride	(10545-99-0)
14.	Thionyl chloride	(7719-09-7)

1/ It was proposed that the three compounds triethanolamine, ethyldiethanolamine and methyldiethanolamine should be discussed in this context for possible inclusion in Schedule 3 as being precursors for nitrogen mustards.

III. GUIDELINES FOR SCHEDULES OF CHEMICALS 1/

A. Guidelines for Schedule 1

The following criteria for a chemical shall be taken into account in considering whether a chemical should be included in Schedule 1:

1. (a) it has been developed, produced, stockpiled or used as a Chemical Weapon as defined in Article II;

or

(b) it poses otherwise a high risk to the objectives of the Convention by virtue of its high potential for use for activities prohibited by the Convention because one or more of the following conditions is met:

- it possesses a chemical structure closely related to that of other Toxic Chemicals listed in Schedule 1 and has, or can be expected to have, comparable properties;
- it possesses such lethal or incapacitating toxicity as well as other properties that might enable it to be weaponized and used as a Chemical Weapon;
- [it may be used as a precursor in the final technological stage of production of a Toxic Chemical listed in Schedule 1, regardless of whether this stage takes place in facilities, in munitions or elsewhere;]

[and]

2. it has little or no use for Purposes Not Prohibited Under The Convention.

B. Guidelines for Schedule 2 part A 2/

The following criteria shall be taken into account in considering whether a precursor to a Schedule 1 chemical would be included in Schedule 2 part A:

1. It may be used in one of the chemical reactions at the final stage of formation of a chemical listed in Schedule 1.

1/ Further consultations were held during 1991 on the Guidelines for Schedules of Chemicals. The Friend of the Chair on Technical Matters prepared a discussion paper for further consideration, which is contained in document CD/CW/WP.362.

2/ These guidelines are in the process of further consideration and development.

2. It may pose a significant risk 1/ to the objectives of the Convention by virtue of its importance in the production of a chemical listed in Schedule 1.

[3. It is not produced in large commercial quantities for purposes not prohibited by the Convention. 2/]

C. Guidelines for Schedule 2 part B 3/

Super-toxic lethal chemicals and other chemicals which are not included in Schedule 1 and are not precursor chemicals but which are deemed to pose a significant risk to the objectives of the Convention. 4/ 5/

D. Guidelines for Schedule 3 3/

The following criteria shall be taken into account when considering whether a dual purpose chemical or a precursor chemical, not listed in other schedules, would be included in Schedule 3:

1/ The view was expressed that the degree of the risk of a chemical is determined on the basis of the contribution made by a precursor to the formation of the structure, or on the basis of the role it plays in determining the toxic properties of a Schedule 1 chemical.

2/ The question of the applicability of a quantitative criterion requires further discussion, taking into account, *inter alia*, the aim of the measures stipulated in Article VI, paragraph 6, as set forth in Annex 2 to Article VI, paragraph 4, the likelihood of meeting the various aspects of this aim by routine systematic on-site inspections and use of on-site instruments and the necessity of efficient implementation of verification.

3/ These guidelines are in the process of further consideration and development.

4/ A view was expressed that, when assessing the risk to the objectives of the Convention, factors such as the lethal or incapacitating effects of a chemical, as well as its suitability as a chemical weapon in terms of physical and chemical properties should be taken into account.

5/ A view was expressed that chemicals included in Schedule 2 part B may have commercial use.

A. Dual purpose chemical

1. It is produced in large commercial quantities 1/ for purposes not prohibited by the Convention, and

2. it has been stockpiled as a chemical weapon, or

3. it may pose a risk to the objectives of the Convention by virtue of its physical, chemical and toxicological properties being similar to those of chemical weapons.

B. Precursor chemical

1. It is produced in large commercial quantities 1/ for purposes not prohibited by the Convention, and

2. it may pose a risk to the objectives of the Convention by virtue of its importance in the production of one or more chemicals listed in Schedule 1, or in the production of precursors to such chemicals 2/ [, and

3. it contributes one or more atoms other than hydrogen, carbon, nitrogen or oxygen to the final listed end-product 3/].

1/ The question of a quantitative criterion, possibly including a numerical threshold, requires further discussion.

2/ A view was expressed that only precursors which may pose a risk to the objectives of the Convention by virtue of their importance in the production of one or more chemicals listed in Schedule 1 or 2 part A should be included.

3/ Whether this criterion is unduly restrictive should be further discussed.

IV. MODALITIES FOR REVISION OF SCHEDULES AND GUIDELINES 1/ 2/

A. General provisions

1. The revisions envisaged consist of additions to, deletions from, or shifts between the Schedules and modifications of, additions to or deletions from the guidelines.

2. If the Director-General of the Technical Secretariat has any information which in his opinion may require a revision of the Schedules or one or more of the guidelines, he shall communicate that information to all States Parties and the Executive Council. 3/

3. Proposals for revision of Schedules and guidelines shall be made by States Parties in accordance with paragraphs 1 and 5 (a) of Article XIV.

B. Decisions regarding revisions of Schedules

4. When a proposal is made regarding a deletion of a chemical from a schedule or a shift between Schedules, the regime for that chemical shall be maintained while a decision on the proposed deletion or shift is being reached.

5. When an addition to a Schedule of chemicals is proposed no regime shall be applied to that chemical until a decision has been taken to include it on one of the Schedules.

6. The decision on a proposed revision of the Schedules shall be taken in accordance with the simplified amendment procedure as laid down in Article XIV, paragraph 5.

1/ Views were expressed that further consideration is needed on this matter. Additional views were expressed that this was particularly the case for the revision of guidelines.

2/ It is understood that this section can be deleted once there is agreement to adopt modifications to the simplified amendment procedure in Article XIV to cover the substantial points of paragraphs 2 and 7 of this section.

3/ [Views were expressed][It is understood] that the Scientific Advisory Board should be able to submit to the Director-General of the Technical Secretariat, or through him to the competent organs of the Organization, any information available to it which in its opinion could lead to or contribute to a revision.

C. Decisions regarding revision of guidelines

7. When a proposal has been made for a revision of one or more of the guidelines, the Director-General of the Technical Secretariat shall undertake a review of the Schedules affected by such a revision and communicate the results to all States Parties and the Executive Council at least [30] days before the proposal is examined by the Executive Council. 1/

8. The decision on a proposed revision of the guidelines shall be taken in accordance with the simplified amendment procedure as laid down in Article XIV, paragraph 5. [If, in accordance with paragraph 5 (d) of Article XIV, a decision on the proposal is taken by the Conference of States Parties, the Conference shall take the decision by a [three-fourth] [four-fifth] majority of members present and voting.]"

1/ [Views were expressed][It is understood] that the Scientific Advisory Board should be able to submit to the Director-General of the Technical Secretariat, or through him to the competent organs of the Organization, any information available to it which in its opinion could lead to or contribute to a revision.

V. TOXICITY DETERMINATIONS

A. Procedures for toxicity determinations 1/ 2/

Recommended standardized operating procedures for acute subcutaneous toxicity determinations

1. Introduction

Three categories of agents were defined on the basis of their toxicity:

(i) super-toxic lethal chemicals;

(ii) other lethal chemicals;

(iii) other harmful chemicals.

Lethality limits in terms of LD_{50} for subcutaneous administration were established to separate three toxic categories at 0.5 mg/kg and 10 mg/kg.

2. Principles of the test method

The test substance is administered to a group of animals in doses corresponding exactly to the category limits (0.5 or 10 mg/kg respectively). If in an actual test the death rate was greater than 50 per cent, then the material would fall into the higher toxicity category; if it was lower than 50 per cent the material would fall into the lower toxicity category.

3. Description of the test procedure

3.1 Experimental animal Healthy young adult male albino rats of Wistar strain weighing 200 ± 20 g should be used. The animals should be acclimatized to the laboratory conditions for at least five days prior to the test. The temperature of the animal room before and during the test should be 22 ± 3° C and the relative humidity should be 50-70 per cent. With artificial lighting, the sequence should be 12 hours light, 12 hours dark. Conventional laboratory diets may be used for feeding with an unlimited supply of drinking water. The animals should be group-caged but the number of animals per cage should not interfere with proper observation of each animal. Prior to the test, the animals are randomized and divided into groups; 20 animals in each group.

1/ It was understood that these recommended standardized operating procedures (CD/CW/WP.30) for toxicity determinations might be supplemented or modified and/or, if necessary, reviewed.

2/ A view was expressed that appropriate methods for testing of non-lethal harmful chemicals need to be addressed at a later stage.

3.2 Test substance Each test substance should be appropriately identified (chemical composition, origin, batch number, purity, solubility, stability, etc.) and stored under conditions ensuring its stability. The stability of the substance under the test conditions should also be known. A solution of the test substance should be prepared just before the test. Solutions with concentrations of 0.5 mg/ml and 10 mg/ml should be prepared. The preferable solvent is 0.85 per cent saline. Where the solubility of the test substance is a problem, a minimum amount of an organic solvent such as ethanol, propylene glycol or polyethylene glycol may be used to achieve solution.

3.3 Test method Twenty animals receive in the back region 1 ml/kg of the solution containing 0.5 mg/ml of the test substance. The number of dead animals is determined within 48 hours and again after 7 days. If the death rate is lower than 10 animals, another group of 20 animals should be injected by the same way with 1 ml/kg of the solution containing 10 mg/ml of the test substance. The number of dead animals should be determined within 48 hours and again after 7 days. If the result is doubtful (e.g. death rate = 10), the test should be repeated.

3.4 Evaluation of the results If the death rate in the first group of animals (receiving a solution containing 0.5 mg/ml) is equal to or higher than 50 per cent, the test substance will fall into the "super-toxic lethal chemical" category. If the death rate in the second group (receiving a solution containing 10 mg/ml) is equal to or higher than 50 per cent, the test substance will fall into the "other lethal chemical" category; if lower than 50 per cent, the test substance will fall into the "other harmful chemical".

4. Data reporting

A test report should include the following information:

(i) test conditions: date and hour of the test, air temperature and humidity;

(ii) animal data: strain, weight and origin of the animals;

(iii) test substance characterization: chemical composition, origin, batch number and purity (or impurities) of the substance; date of receipt, quantities received and used in the test; conditions of storage, solvent used in the test;

(iv) results: the number of dead animals in each group, evaluation of results.

Recommended standardized operating procedures for acute inhalation toxicity criteria

1. In the assessment and evaluation of the toxic characteristics of chemicals in a vapour or aerosol state determination of acute inhalation toxicity is necessary. In every case, when it is possible, this test should be preceded by subcutaneous toxicity determination. Data from these studies constitute the initial steps in the establishing of a dosage regimen in subchronic and other studies and may provide additional information on the mode of toxic action of a substance.

Three categories of agents were defined on the basis of their toxicity:

(i) super-toxic lethal chemicals;

(ii) other lethal chemicals;

(iii) other harmful chemicals.

Lethality limits in terms of LCt_{50} for inhalatory application were established to separate three toxic categories at 2,000 mg min/m^3 and 20,000 mg min/m^3.

2. Principles of the test method

A group of animals is exposed for a defined period to the test substance in concentration corresponding exactly to the category limits (2,000 mg min/m^3 or 20,000 mg min/m^3 respectively. If in an actual test the death rate was greater than 50 per cent, then the material would fall into the higher toxicity category; if it was lower than 50 per cent, the material would fall into the lower toxicity category.

3. Description of the test procedure

3.1 Experimental animal Healthy young adult male albino rats of Wistar strain weighing 200 ± 20 g should be used. The animals should be acclimatized to the laboratory conditions for at least five days prior to the test. The temperature of the animal room before and during the test should be 22 ± 3° C and the relative humidity should be 50-70 per cent. With artificial lighting, the sequence should be 12 hours light, 12 hours dark. Conventional laboratory diets may be used for feeding with an unlimited supply of drinking water. The animals should be group-caged but the number of animals per cage should not interfere with proper observation of each animal. Prior to the test the animals are randomized and divided into two groups; 20 animals in each group.

3.2 Test substance Each test substance should be appropriately identified (chemical composition, origin, batch number, purity, solubility, stability, boiling point, flash point, vapour pressure, etc.) and stored under conditions ensuring its stability. The stability of the substance under the test conditions should also be known.

3.3. Equipment A constant vapour concentration may be produced by one of several methods:

(i) by means of an automatic syringe which drops the material on to a suitable heating system (e.g. hot plate);

(ii) by sending airsteam through a solution containing the material (e.g. bubbling chamber);

(iii) by diffusion of the agent through a suitable material (e.g. diffusion chamber).

A dynamic inhalation system with a suitable analytical concentration control system should be used. The rate of air flow should be adjusted to ensure that conditions throughout the equipment are essentially the same. Both a whole body individual chamber exposure or head only exposure may be used.

3.4 Physical measurements Measurements or monitoring should be conducted of the following parameters:

(i) the rate of air flow (preferably continuously);

(ii) the actual concentration of the test substance during the exposed period;

(iii) temperature and humidity.

3.5 Test method Twenty animals are exposed for 10 minutes to the concentration of 200 mg/m^3 and then removed from the chamber. The number of dead animals is determined within 48 hours and again after 7 days. If the death rate is lower than 10 animals, another group of 20 animals should be exposed for 10 minutes to the concentration of 2,000 mg/m^3. The number of dead animals should be determined within 48 hours and again after 7 days. If the result is doubtful (e.g. death rate = 10), the test should be repeated.

3.6 Evaluation of results If the death rate in the first group of animals (exposed to the concentration of 200 mg/m^3) is equal to or higher than 50 per cent, the test substance will fall into the "super-toxic lethal chemical" category. If the death rate in the second group (exposed to the concentration of 2,000 mg/m^3) is equal to or higher than 50 per cent, the test substance will fall into the "other lethal chemical" category; if it is lower than 50 per cent, the test substance will fall into the "other harmful chemical".

4. Data reporting

A test report should include the following information:

(i) Test conditions: date and hour of the test, description of exposure chamber (type, dimensions, source of air, system for generating the test substance, method of conditioning air, treatment of exhaust air, etc.) and equipment for measuring temperature, humidity, air flow and concentration of the test substance;

(ii) Exposure data: air flow rate, temperature and humidity of air, nominal concentration (total amount of test substance fed into the equipment divided by volume of air), actual concentration in test breathing zone;

(iii) Animal data: strain, weight and origin of animals;

(iv) Test substance characterization: chemical composition, origin, batch number and purity (or impurities) of the substance; boiling point, flash point, vapour pressure; date of receipt, quantities received and used in the test; condition of storage, solvent used in the test;

(v) Results: number of dead animals in each group, evaluation of results.

B. Modalities for revision of toxicity determination procedures

(To be developed)

ANNEX ON THE PROTECTION OF CONFIDENTIAL INFORMATION 1/ 2/

A. GENERAL PRINCIPLES FOR THE HANDLING OF CONFIDENTIAL INFORMATION

1. The obligation to protect confidential information shall pertain to the verification of both civil and military activities and facilities. As specified in Article VIII, the Organization shall:

(a) require only the minimum amount of information and data necessary for the timely and efficient carrying out of its responsibilities under the Convention;

(b) take measures necessary to ensure that inspectors and other staff members of the Technical Secretariat meet the highest standards of efficiency, competence, and integrity;

(c) develop agreements and regulations to implement the provisions of the Convention and shall specify as precisely as possible the information to which the Organization shall be given access by a State Party.

2. The Director-General of the Technical Secretariat shall have the primary responsibility for ensuring the protection of confidential information. He shall establish a stringent regime governing the handling of confidential information by the Technical Secretariat. [The Director-General shall be assisted by an Assistant Director-General for Information Security.] In doing so he shall observe the following guidelines:

(a) Information shall be considered confidential if

(i) it is so designated by the State Party from whom the information was obtained and to which the information refers; or

(ii) in the judgement of the Director-General, its unauthorized disclosure could reasonably be expected to cause damage to the State Party to which it refers or to the mechanisms for implementation of the Convention.

1/ A view was expressed that further discussion on this subject is necessary.

2/ The view was expressed that the references to confidentiality in Article VII and Article VIII are adequate. The detailed guidelines on confidentiality should be part of rules and regulations to be developed by the International Organization.

(b) All data and documents obtained by the Technical Secretariat shall be evaluated by the appropriate unit of the Technical Secretariat in order to establish whether they contain confidential information. Data required by States Parties to be assured of the continued compliance with the Convention by other States Parties shall be routinely provided to them. Such data shall encompass:

(i) the initial and annual reports and declarations provided by States Parties under Articles III, IV, V and VI;

(ii) general reports on the results and effectiveness of verification activities; and

(iii) information to be supplied to all States Parties in accordance with the provisions of the Convention.

(c) No information obtained by the Organization in connection with implementation of the Convention shall be published or otherwise released, except, as follows:

(i) General information on the implementation of the Convention may be compiled and released publicly in accordance with the decisions of the Conference of the States Parties or the Executive Council. [Prior to public release, all data and documents shall be evaluated by a specially designated unit of the Technical Secretariat to ensure that they do not contain confidential information.]

(ii) Any information may be released with the express consent of the State Party to which the information refers.

(iii) Information classified as confidential shall be released by the Organization only through agreed procedures which ensure that the release of information only occurs in strict conformity with the needs of the Convention.

(d) The level of sensitivity of confidential data or documents shall be established, based on criteria to be applied uniformly 1/ in order to ensure their appropriate handling and protection. For this purpose, a classification system shall be introduced, which by taking account of relevant work undertaken in the preparation of the Convention shall provide for clear criteria ensuring the inclusion of information into appropriate categories of confidentiality and the justified durability of the confidential nature of

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1/ The view was expressed that such criteria should be developed by the Technical Secretariat.

information. While providing for the necessary flexibility in its implementation the classification system shall protect the rights of States Parties providing confidential information.

(e) Confidential information shall be stored securely at the premises of the Organization. Some data or documents may also be stored with the national authority of a State Party. Sensitive information, inter alia, photographs, plans and other documents required only for the inspection of a specific facility may be kept under lock and key at this facility in conformity with the agreement to be concluded on the basis of a relevant model.

(f) To the greatest extent consistent with the effective implementation of the verification provisions of the Convention, information shall be handled and stored by the Technical Secretariat in a form that precludes direct identification of the facility to which it pertains.

(g) The amount of confidential information removed from a facility shall be kept to the minimum necessary for the timely and effective implementation of the verification provisions of the Convention.

[(h) Each employee shall only have access to that kind of information necessary for fulfilment of the function deriving from the relevant position description.]

(i) Access to confidential information shall be regulated in accordance with its classification. The dissemination of confidential information within the Organization shall be on a strictly need-to-know basis.

(j) The Director-General shall report annually to the Conference of the States Parties on the implementation of this regime.

3. States Parties shall treat information which they receive from the Organization in accordance with the level of confidentiality established for that information. [Upon request States Parties shall provide details on the handling of information provided to them by the Organization.]

B. EMPLOYMENT AND CONDUCT OF PERSONNEL IN THE TECHNICAL SECRETARIAT

1. Conditions of staff employment shall be such as to ensure that access to and handling of confidential information shall be in conformity with the procedures established by the Director-General in accordance with part A of this Annex.

2. [Each position in the Technical Secretariat shall be governed by a formal position description that specifies the scope of access to confidential information, if any, needed in that position.]

3. In keeping with the provisions of Article VIII of this Convention, the Director-General of the Technical Secretariat, the inspectors and other

members of the staff shall not disclose even after termination of their functions to any unauthorized persons any confidential information coming to their knowledge in the performance of their official duties. They shall not communicate to any State, organization or person outside the Technical Secretariat any information to which they have access in connection with their activities in a State Party.

4. In the discharge of their function inspectors shall only request the information and data which are necessary to fulfil their mandate. They shall not take any records on information collected incidentally not related to verification of compliance with the Convention.

5. The staff shall enter into individual secrecy agreements 1/ [with the Technical Secretariat] covering their period of employment and a period of five years after it is terminated.

6. In order to avoid improper disclosures, inspectors and staff members shall be appropriately advised and reminded about security considerations [and of the possible penalties that they would incur, including the likelihood of the Organization's waiving their immunity from private suit].

[7. Not less than 30 days before an employee is given clearance for access to confidential information that refers to activities under the [jurisdiction or control] of a State Party, the State Party concerned shall be notified of the proposed clearance. For inspectors the notification of a proposed designation shall fulfil this requirement.

8. In evaluating the performance of inspectors and other employees of the Technical Secretariat, specific attention should be given to the employee's record regarding protection of confidential information.]

C. MEASURES TO PROTECT SENSITIVE INSTALLATIONS AND PREVENT DISCLOSURE OF CONFIDENTIAL DATA IN THE COURSE OF ON-SITE VERIFICATION ACTIVITIES 2/

1. States Parties may take such measures as they deem necessary to protect confidentiality, provided that they comply and demonstrate compliance with their obligations arising from the provisions of this Convention. Receiving an inspection they may indicate to the inspection team the equipment, documentation or areas that they consider sensitive and not related to the purpose of the inspection.

1/ This issue requires further consideration.

2/ The contents and placement of some provisions contained in this section need to be reviewed in the light of ongoing discussions on the Guidelines on the Inspectorate.

2. Teams shall be guided by the principle of conducting on-site inspections in the least intrusive manner possible, consistent with the effective and timely accomplishment of their mission. They shall, to the extent they deem them appropriate, take into consideration and adopt proposals which may be made by the State Party receiving the inspection, at whatever stage of the inspection, to ensure that sensitive equipment or information, not related to chemical weapons, is protected.

3. Inspection teams shall strictly abide by the provisions set out in the relevant Articles and Annexes of this Convention governing the conduct of inspections. They shall fully respect the procedures designed to protect sensitive installations and to prevent the disclosure of confidential data.

4. In the elaboration of subsidiary arrangements/facility attachments due regard shall be paid to the requirement of protecting confidential information. Agreements on inspection procedures for individual facilities shall also include specific and detailed arrangements with regard to the determination of those areas of the facility to which inspectors are granted access, the storage of confidential information on-site, the scope of the inspection effort in agreed areas, the taking of samples and their analysis, the access to records and the use of instruments and continuous monitoring equipment.

5. The report to be prepared after each inspection shall only contain facts relevant to compliance with the Convention. The report shall be handled in accordance with the regulations established by the Organization governing the handling of confidential information. If necessary, the information contained in the report shall be processed into less sensitive forms before it is transmitted outside the Technical Secretariat and the inspected State Party.

D. PROCEDURES IN CASE OF BREACHES OR ALLEGED BREACHES OF CONFIDENTIALITY 1/

1. The Director-General of the Technical Secretariat shall establish necessary procedures to be followed in case of breaches or alleged breaches of confidentiality, taking into account recommendations made by the Preparatory Commission.

2. The Director-General of the Technical Secretariat shall oversee the implementation of individual secrecy agreements and promptly initiate an investigation if there is any indication that obligations concerning the

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1/ This section should be reviewed in the light of the results of considerations of other legal issues, in particular liability and the settlement of disputes.

protection of confidential information have been violated and if he considers such an indication sufficient. He shall also promptly initiate an investigation if an allegation concerning a breach of confidentiality is made by a State Party.

3. [Members of the staff of the Technical Secretariat shall be held responsible for any breach of secrecy agreements they entered into.] The Director-General shall impose appropriate punitive and disciplinary measures on staff members who have violated their obligations to protect confidential information. 1/ In case of serious breaches the immunity from legal process may be waived by the Director-General.

4. States Parties shall, to the extent possible, cooperate and support the Director-General of the Technical Secretariat in investigating any breach or alleged breach of confidentiality and in taking appropriate action in case a breach has been established.

5. The Organization shall not be held liable for any breach of confidentiality committed by members of the Technical Secretariat.

6. For breaches involving both a State Party and the Organization [or specifically within the Technical Secretariat] a "Commission for the settlement of disputes related to confidentiality", set up as a subsidiary *ad hoc* body of the Conference of the States Parties, shall consider the case. This Commission shall be appointed by the Conference of the States Parties.

1/ A view was expressed that the Director-General should be given clear guidelines on which punitive and disciplinary measures would be deemed appropriate.

ANNEX TO ARTICLE III

I. DECLARATIONS OF CHEMICAL WEAPONS

A. Possession or non-possession

1. Possession of chemical weapons on own territory

Yes ...

No ...

2. Possession, jurisdiction or control over chemical weapons elsewhere

Yes ...

No ...

B. Existence on the territory of any chemical weapons under the jurisdiction or control of anyone else

Yes ...

No ...

C. Past transfers

Yes ...

No ...

II. DECLARATIONS OF CHEMICAL WEAPONS PRODUCTION FACILITIES

A. Possession or non-possession

1. Possession of chemical weapons production facilities on own territory

Yes ...

No ...

2. Possession, jurisdiction or control over chemical weapons production facilities elsewhere

Yes ...

No ...

B. Existence on the territory of any chemical weapons production facilities under the jurisdiction or control of anyone else

Yes ...

No ...

C. Past transfers of equipment [or technical documentation] 1/

Yes ...

No ...

[III. OTHER DECLARATIONS]

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1/ The view was expressed that technical documentation should not be included.

ANNEX TO ARTICLE IV

I. DECLARATIONS

A. The declaration by a State Party of the aggregate quantity, location, and detailed composition of chemical weapons under its jurisdiction or control shall include the following:

1. The aggregate quantity of each chemical declared.

2. The precise location of each declared storage site of chemical weapons, expressed by:

- name;

- geographical coordinates.

3. Detailed inventory for each storage facility:

(1) Chemicals defined as chemical weapons in accordance with Article II:

(a) Chemicals shall be declared within the Schedules specified in the Annex on Chemicals.

(b) For a chemical not listed in the Schedules in the Annex on Chemicals the information required for possible assignment of the chemical to one of the proper Schedules shall be provided, including the toxicity of the pure compound. For a precursor chemical, the toxicity and identity of the principal final reaction product(s) shall be provided.

(c) Chemicals shall be identified by chemical name in accordance with current IUPAC (International Union of Pure and Applied Chemistry) nomenclature, structural formula and Chemical Abstracts Service registry number, if assigned. For a precursor chemical, the toxicity and identity of the principal final reaction product(s) shall be provided.

(d) In cases involving mixtures of two or more chemicals, each chemical shall be identified and the percentage of each shall be provided, and the mixture shall be declared under the category of the most toxic chemical. If a component of a binary chemical weapon consists of a mixture of two or more chemicals, each chemical shall be identified and the percentage of each provided.

(e) Provisions related to binary chemical weapons.

1. Binary chemical weapons shall be declared under the relevant end product within the framework of the agreed categories of chemical weapons. The following supplementary information shall be provided for each type of binary chemical munition/device. 1/

a. the chemical name of the toxic end product;

b. the chemical composition and quantity of each component;

c. the actual weight ratio between the components;

d. which component shall be considered the [limiting] [key] component;

e. the projected quantity of the toxic end product calculated on a stoichiometric basis from the [limiting] [key] component, assuming 100 per cent yield.

2. A declared quantity (in tonnes) of the [limiting] [key] component intended for a specific toxic end product shall be considered equivalent to the quantity (in tonnes) of this toxic end product calculated on a stoichiometric basis assuming 100 per cent yield.

(f) For multicomponent chemical weapons, the declaration shall be analogous to that envisaged for binary chemical weapons.

(g) For each chemical the form of storage, i.e. munitions, sub-munitions, devices, equipment or bulk containers and other containers shall be declared. For each form of storage the following shall be listed:

- type
- size or calibre
- number of items
- weight of chemical fill per item.

In addition, for chemicals stored in bulk, the percentage purity shall be declared.

(h) For each chemical the total weight present at the storage site shall be declared.

1/ Issues related to relevant chemicals stored in bulk are subject to further discussion.

(2) Unfilled munitions and/or sub-munitions and/or devices and/or equipment, defined as chemical weapons. For each type the information shall include:

(a) the number of items

(b) the fill volume per item

(c) the intended chemical fill, if known.

(3) Equipment specifically designed for use directly in connection with the employment of munitions, sub-munitions, devices or equipment under points (1) and (2).

(4) Chemicals specifically designed for use directly in connection with the employment of munitions, sub-munitions, devices or equipment under points (1) and (2).

B. Detailed information on any chemical weapons on the territory of a State Party which are under the jurisdiction or control of others, including a State not Party to the Convention (to be developed).

C. Past transfers and receipts.

A State Party that has transferred or received chemical weapons since 1 January 1946 shall declare these transfers or receipts, provided the amount transferred or received exceeded [1 tonne [of chemicals] [per chemical]] [100 kg per chemical] per year in bulk and/or munition form. This declaration shall be made according to the inventory format in paragraph 3 above. This declaration shall also indicate the supplier and recipient countries, the timing of the transfers or receipts and, as precisely as possible, the current location of the transferred items. When not all the specified data are available for transfers or receipts of chemical weapons for the period between 1 January 1946 and [1 January 1970] [20] [10] years before the entry into force of the Convention], the State Party shall declare whatever information is still available to it and provide an explanation as to why it cannot submit a full declaration.

D. General plans for destruction of chemical weapons

The general plan for destruction of chemical weapons, submitted pursuant to Article IV shall specify:

(a) a general schedule for destruction, giving types and quantities of chemical weapons planned to be destroyed in each period;

(b) the number of chemical weapons destruction facilities existing or planned, to be operated over the 10 years destruction period;

(c) for each existing or planned chemical weapons destruction facility:

- name and address;
- location;
- chemical weapons intended to be destroyed;
- method of destruction;
- capacity;
- expected period of operation;
- products of the destruction process.

E. Storage facility description

(a) Each site or location where, pending their destruction, chemical weapons declared in accordance with Article IV, are stored on the territory of a State Party or under its jurisdiction or control elsewhere, shall hereafter be designated as "storage facility".

(b) At the time of the submission of its declaration of chemical weapons, in accordance with Article IV, a State Party shall provide the Technical Secretariat with the detailed description and location of its storage facility(ies) containing:

- boundary map;
- location of bunkers/storage areas, within the facility;
- the detailed inventory of the contents of each bunker/storage area;
- relevant details of the construction of bunkers/storage areas;
- recommendations for the emplacement by the Technical Secretariat of seals and monitoring instruments.

II. MEASURES TO SECURE THE STORAGE FACILITY AND STORAGE FACILITY PREPARATION

(a) Not later than 30 days after the Convention enters into force for it, a State Party shall take such measures as it considers appropriate to secure its storage facility(ies) and shall prevent any movement of its chemical weapons, except their removal for destruction.

(b) In order to prepare its storage facility(ies) for international verification, a State Party shall ensure that its chemical weapons at its storage facility(ies) are so configured that seals and monitoring devices may be effectively applied, and that such configuration allows ready access for such verification.

(c) While the storage facility remains closed for any movement of chemical weapons other than their removal for destruction activities necessary for maintenance and safety monitoring by national authorities, including standard maintenance of chemical weapons, may continue at the facility.

- Maintenance activities of chemical weapons shall not include:

  (i) replacement of agent or of munition bodies;

  (ii) modification of the original characteristics of munitions, or parts or components thereof.

- All maintenance activities shall be subject to monitoring by the Technical Secretariat.

III. DESTRUCTION

A. Principles and methods for destruction of chemical weapons

1. Destruction of chemical weapons means a process by which chemicals are converted in an essentially irreversible way to a form unsuitable for production of chemical weapons, and which in an irreversible manner renders munitions and other devices unusable as such. 1/ 2/

2. Each State Party possessing chemical weapons shall determine how it shall destroy them, except that the following processes may not be used: dumping in any body of water, land burial or open-pit burning. It shall destroy chemical weapons only at specifically designated and appropriately designed and equipped facility(ies).

1/ It was noted that States Parties could take preliminary steps to render chemical weapons inoperable pending their complete destruction. It was also noted that if, unforeseeably, a State Party for strictly technical reasons could not fulfill its obligations with respect to the Order of Destruction, the Executive Council shall request it to take appropriate measures pending complete destruction.

2/ It was also noted that these measures, if employed, should be temporary and should not interfere with destruction programmes in progress or planned.

3. The State Party shall ensure that its chemical weapons destruction facility(ies) are constructed and operated in a manner to ensure the destruction of the chemical weapons; and that the destruction process can be verified under the provisions of this Convention.

B. Order of destruction

Guidelines

The order of destruction of chemical weapons is based on the obligations specified in Article I and the other Articles of the Convention, including obligations regarding systematic international on-site verification: it takes into account interests of States Parties for undiminished security during the destruction period; confidence-building in the early part of the destruction stage; gradual acquisition of experience in the course of destroying chemical weapons and applicability irrespective of the actual composition of the stockpiles and the methods chosen for the destruction of the chemical weapons. The order of destruction is based on the principle of levelling out.

Categories and time frames

1. For the purpose of destruction, chemical weapons declared by each State Party are divided into three categories:

Category 1: Chemical weapons on the basis of Schedule 1 chemicals and their parts and components;

Category 2: Chemical weapons on the basis of all other chemicals and their parts and components;

Category 3: Unfilled munitions and devices, and equipment specifically designed for use directly in connection with employment of chemical weapons.

2. Each State Party possessing chemical weapons

- shall start the destruction of Category 1 chemical weapons not later than one year from the date the Convention enters into force for it, and shall complete the destruction not later than ten years after the entry into force of the Convention. Taking into account the principle of levelling out, Category 1 chemical weapons shall be destroyed, in equal annual increments, from the beginning of the destruction process until the end of the eighth year after the Convention enters into force; the maximum quantity remaining at the end of the eighth year after the entry into force of the Convention shall not exceed 500 tonnes or 20 per cent of the quantity of chemical weapons declared by the State Party at the entry into force for it, whichever is less. The remaining quantity of Category 1 chemical weapons shall be destroyed in equal annual increments in the following two years. The comparison factor is chemical weapon agent tonnes.

- shall start the destruction of Category 2 chemical weapons not later than one year from the date the Convention enters into force for it and shall complete the destruction not later than five years after the entry into force of the Convention; Category 2 chemical weapons shall be destroyed in equal annual increments throughout the destruction period; the comparison factor for such weapons is the weight of the chemicals within such Category.

- shall start the destruction of Category 3 chemical weapons not later than one year from the date the Convention enters into force for it, and shall complete the destruction not later than five years after the entry into force of the Convention; Category 3 chemical weapons shall be destroyed in equal annual increments throughout the destruction period; the comparison factor for unfilled munitions and devices is expressed in fill volume (m^3) and for equipment in number of items.

Binary chemical weapons

1. For the purposes of the order of destruction, a declared quantity (in tonnes) of the [limiting] [key] component intended for a specific toxic end product shall be considered equivalent to the quantity (in tonnes) of this toxic end product calculated on a stoichiometric basis assuming 100 per cent yield.

2. A requirement to destroy a given quantity of the [limiting] [key] component shall entail a requirement to destroy a corresponding quantity of the other component, calculated from the actual weight ratio of the components in the relevant type of binary chemical munition/device.

3. If more of the other component is declared than is needed, based on the actual weight ratio between components, then the excess shall be destroyed over the first two years after destruction operations begin.

4. At the end of each subsequent operational year a State Party may retain an amount of the other declared component that is determined on the basis of the actual weight ratio of the components in the relevant type of binary chemical munition/device.

Multicomponent chemical weapons

For multicomponent chemical weapons the order of destruction shall be analogous to that envisaged for binary chemical weapons.

C. Detailed plans for destruction

1. Submission of detailed plans

The detailed plans submitted pursuant to Article IV, 180 days before each destruction period, shall specify:

(a) the aggregate quantity of each individual type of chemical weapons planned to be destroyed at each facility;

(b) the number of chemical weapons destruction facilities and a detailed schedule for the destruction of chemical weapons at each of these facilities;

(c) data about each destruction facility:

- name, postal address, geographical location;
- method of destruction;
- end-products;
- layout plan of the facility;
- technological scheme;
- operation manuals;
- the system of verification;
- safety measures in force at the facility;
- living and working conditions for the Inspectors.

(d) data about any storage facility at the destruction facility planned to provide chemical weapons directly to it during the destruction period,

- layout plan of the facility;
- method and volume of storage estimated by types and quantities of chemical weapons;
- types and quantities of chemical weapons to be stored at the facility during the destruction period;
- safety measures in force at the facility.

(e) After the submission of the first detailed plans, subsequent annual plans should contain only changes and additions to required data elements submitted in the first detailed plans.

2. Review of detailed plans for the destruction of chemical weapons

(a) On the basis of the detailed plan for destruction and proposed measures for verification submitted by the State Party, and as the case may be, on experience from previous inspections and on the relevant agreement(s) on subsidiary arrangements, the Technical Secretariat shall prepare before each destruction period, a plan for verifying the destruction of chemical weapons, consulting closely with the State Party. Any differences between the Technical Secretariat and the State Party should be resolved through consultations. Any unresolved matters shall be forwarded to the Executive Council for appropriate action with a view to facilitating the full implementation of the Convention.

(b) The agreed combined detailed plans for destruction and verification plans, with an appropriate recommendation by the Technical Secretariat, will be forwarded to the members of the Executive Council for review. The members of the Executive Council shall review the plans with a view to approving them, consistent with verification objectives. This review is designed to determine that the destruction of chemical weapons, as planned, is consistent with the obligations under the Convention and the objective of destroying the chemical weapons. It should also confirm that verification schemes for destruction are consistent with verification objectives, and are efficient and workable. This review should be completed 60 days before the destruction period.

(c) Each member of the Executive Council may consult with the Technical Secretariat on any issues regarding the adequacy of the combined plan for destruction and verification. If there are no objections by any members of the Executive Council, the plan shall be put into action.

(d) If there are any difficulties, the Executive Council shall enter into consultations with the State Party to reconcile them. If any difficulties remain unresolved they should be referred to the Conference of the States Parties.

(e) After a review of the detailed plans of destruction of chemical weapons, the Technical Secretariat, if the need arises, will enter into consultation with the State Party concerned in order to ensure its chemical weapons destruction facility(ies) is (are) designed to assure destruction of chemical weapons, to allow advanced planning on how verification measures may be applied and to ensure that the application of verification measures is consistent with proper facility(ies) operation, and that the facility(ies) operation allows appropriate verification.

(f) Destruction and verification should proceed according to the agreed plan as referred to above. Such verification should not interfere with the destruction process.

IV. VERIFICATION

A. International verification of declarations of chemical weapons by on-site inspections

(a) The purpose of the international verification of declarations of chemical weapons shall be to confirm through on-site inspections the accuracy of the declarations made in accordance with Article IV. 1/

1/ The applicability of Article IV, paragraph 2 (b) is to be discussed.

(b) The Inspectors shall conduct this verification promptly after a declaration is submitted. They shall, inter alia, verify the quantity and identity of chemicals, types and number of munitions, devices and other equipment.

(c) They shall employ, as appropriate, agreed seals, markers or other inventory control procedures to facilitate an accurate inventory of the chemical weapons at each storage facility.

(d) As the inventory progresses, Inspectors shall install such agreed seals as may be necessary to clearly indicate if any stocks are removed, and to ensure the securing of the storage facility.

B. International verification of storage facilities

1. Agreements on subsidiary arrangements [1]

Within 180 days after entry into force of the Convention for it, a State Party shall conclude with the Organization agreements on subsidiary arrangements for verification of their storage facilities. Such agreements shall be based on a Model Agreement and shall specify for each storage facility the number, intensity, duration of inspections, detailed inspection procedures and the installation, operation and maintenance of the seals and monitoring devices by the Technical Secretariat.

2. Systematic monitoring of storage facilities

(a) The purpose of the international systematic monitoring of storage facilities shall be to ensure that no undetected removal of chemical weapons takes place.

(b) The international systematic monitoring shall be initiated as soon as possible after the declaration of chemical weapons is submitted and shall continue until all chemical weapons have been removed from the storage facility. It shall be ensured, in accordance with the agreement on subsidiary arrangements, through a combination of continuous monitoring with on-site instruments and systematic verification by international on-site inspections or, where the continuous monitoring with on-site instruments is not feasible, by the presence of Inspectors.

(c) If the relevant agreement on subsidiary arrangements for the systematic monitoring of a chemical weapons storage facility is concluded, Inspectors shall install for the purpose of this systematic monitoring a

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1/ The coverage of the subsidiary arrangements is to be discussed.

monitoring system as referred to in Part II, section III.A of the Protocol on Inspection Procedures. If no such agreement has been concluded, the Inspectors will initiate the systematic monitoring by their continuous presence on-site until the agreement is concluded, and the monitoring system installed and activated.

(d) When all chemical weapons have been removed from the storage facility, the Technical Secretariat shall certify the declaration of the National Authority to that effect. After this certification, the Technical Secretariat shall terminate the international systematic monitoring of the storage facility and will promptly remove all devices and monitoring equipment installed by the Inspectors.

3. Inspections and visits

(a) (The guidelines for determining the frequency of systematic on-site inspections are to be elaborated.) The particular storage facility to be inspected shall be chosen by the Technical Secretariat in such a way as to preclude the prediction of precisely when the facility is to be inspected. During each inspection, the Inspectors will verify that the monitoring system is functioning correctly and verify the inventory in agreed percentage of bunkers and storage areas.

(b) The (Director-General of the) Technical Secretariat shall notify the State Party of its decision to inspect or visit the storage facility 48 hours prior to the planned arrival of the inspection team at the facility for systematic inspections or visits. In the event of inspections or visits to resolve urgent problems, this period may be shortened. The (Director-General of the) Technical Secretariat shall specify the purpose(s) of the inspection or visit.

(c) A State Party shall make any necessary preparations for the arrival of the Inspectors and shall ensure their expeditious transportation from their point of entry on the territory of the State Party to the storage facility. The agreement on subsidiary arrangements will specify administrative arrangements for Inspectors.

(d) Inspectors shall, in accordance with agreements on subsidiary arrangements:

- have unimpeded access to all parts of the storage facilities including any munitions, devices, bulk containers, or other containers therein. While conducting their activity, Inspectors shall comply with the safety regulations at the facility. The items to be inspected will be chosen by the Inspectors; and

- receive samples taken at their request from any devices and bulk containers and other containers at the facility.

4. International verification of the removal of chemical weapons for destruction

(a) The State Party shall notify the Technical Secretariat [14] days in advance of the exact timing of removal of chemical weapons from the storage facility and of the planned arrival at the facility where they will be destroyed.

(b) The State Party shall provide the Inspectors with the detailed inventory of the chemical weapons to be moved. The Inspectors shall be present when chemical weapons are removed from the storage facility and shall verify that the chemical weapons on the inventory are loaded on to the transport vehicles. Upon completion of the loading operations, the Inspectors shall seal the cargo and/or means of transport, as appropriate.

(c) If only a portion of the chemical weapons is removed, the Inspectors will verify the accuracy of the inventory of the remaining chemical weapons and make any appropriate adjustments in the monitoring system in accordance with the agreement on subsidiary arrangements.

C. International verification of the destruction of chemical weapons

1. The purpose of verification of destruction of chemical weapons shall be:

- to confirm the identity and quantity of the chemical weapons stocks to be destroyed, and
- to confirm that these stocks for all practical purposes have been destroyed.

2. Agreements on subsidiary arrangements

(a) For each destruction facility, States Parties should conclude with the Organization detailed agreements on subsidiary arrangements for the systematic verification of destruction of chemical weapons. Such agreements shall be based on a Model Agreement and shall specify, for each destruction facility, the detailed on-site inspection procedures and arrangements for the removal of chemical weapons from the storage facility at the destruction facility, transport from this storage facility to their destruction and the monitoring by on-site instruments, taking into account the specific characteristics of the destruction facility and its mode of operation. The Model Agreement shall include provisions to take into account the need for maintenance and modifications.

(b) Inspectors will be granted access to each chemical weapons destruction facility [30 days] prior to commencement of active destruction phases for the purpose of carrying out an engineering review of the facility, including the facility's construction and layout, the equipment and instruments for measuring and controlling the destruction process, and the checking and testing of the accuracy of the verification equipment.

3. Chemical weapons storage facilities at chemical weapons destruction facilities

(a) The Inspectors shall verify the arrival of the chemical weapons at the destruction facility by checking the seals on the cargo and/or the means of transport and shall verify the accuracy of the inventory of the chemical weapons transported and the storing of these chemical weapons. They shall employ, as appropriate, agreed seals, markers or other inventory control procedures to facilitate an accurate inventory of the chemical weapons in this storage facility. They shall install such agreed seals as may be necessary to verify that stocks are removed only for destruction.

(b) As soon and as long as chemical weapons are stored at chemical weapons storage facilities at chemical weapons destruction facilities, these storage facilities shall be subject to international systematic monitoring, as referred to in relevant provisions of paragraph B.2 above of the present Annex, in conformity with the relevant agreements on subsidiary arrangements or, if no such agreement has been concluded, with the agreed combined plan for destruction and verification.

(c) The Inspectors will make any appropriate adjustments in the monitoring system in accordance with the relevant agreement on subsidiary arrangements whenever inventory changes occur.

(d) At the end of an active destruction phase, Inspectors will make an inventory of the chemical weapons that have been removed from the storage facility to be destroyed. They shall verify the accuracy of the inventory of the chemical weapons remaining employing inventory control procedures as referred to above under (a). They shall install such agreed seals as may be necessary to ensure the securing of the storage facility.

(e) The international systematic monitoring of a chemical weapons storage facility at a chemical weapons destruction facility may be discontinued when the active destruction phase is completed, if no chemical weapons remain. If, in addition, no chemical weapons are planned to be stored at this facility, the international systematic monitoring shall be terminated in accordance with paragraph B.2 (d) above.

4. Systematic international on-site verification of destruction of chemical weapons

(a) The Inspectors will be granted access to conduct their activities at the chemical weapons destruction facilities and the chemical weapons storage facilities thereat during the entire active phase of destruction.

(b) The Inspectors may monitor by either physical observation or devices:

(i) the chemical weapons storage facility at the destruction facility and the chemical weapons present;

(ii) the movement of chemical weapons from the storage facility to the destruction facility;

(iii) the process of destruction (assuring that no chemical weapons are diverted);

(iv) the material balance; and

(v) the accuracy and calibration of the instruments.

(c) To the extent consistent with verification needs, verification procedures should make use of information from routine facility operations.

(d) After the completion of each period of destruction, the Technical Secretariat shall certify the declaration of the National Authority, reporting the completion of destruction of the designated quantity of chemical weapons.

(e) Inspectors shall, in accordance with agreements on subsidiary arrangements:

- have unimpeded access to all parts of the destruction facilities, and the storage facilities thereat, any munitions, devices, bulk containers, or other containers, therein. The items to be inspected will be chosen by the Inspectors in accordance with the verification plan that has been agreed to by the State Party and approved by the Executive Council;

- monitor the systematic on-site analysis of samples during the destruction process; and

- receive, if necessary, samples taken at their request from any devices, bulk containers and other containers at the destruction facility or the storage facility thereat.

ANNEX TO ARTICLE V

I. DEFINITIONS

The equipment mentioned in the definition of Chemical Weapons Production Facility in Article II covers Specialized Equipment and Standard Equipment.

- "Specialized Equipment" means:
  - the main production train, including any reactor or equipment for product synthesis, separation or purification, any equipment used directly for heat transfer in the final technological stage (for example, in reactors or in product separation), as well as any other equipment which has been in contact with any Schedule 1 chemical, or any other chemical that has no use for purposes not prohibited under the Convention above [1] tonne per year but can be used for chemical weapons purposes, or would be if the facility were operated.
  - any chemical weapon filling machines.
  - any other equipment specially designed, built or installed for the operation of the facility as a chemical weapons production facility, as distinct from a facility constructed according to prevailing commercial industry standards for facilities not producing super-toxic lethal or corrosive chemicals. (Examples include equipment made of high-nickel alloys or other special corrosion-resistant material; special equipment for waste control, waste treatment, air filtering, or solvent recovery; special containment enclosures and safety shields; non-standard laboratory equipment used to analyse toxic chemicals for chemical weapons purposes; custom-designed process control panels; dedicated spares for Specialized Equipment.)
- "Standard Equipment" means:
  - production equipment which is generally used in the chemical industry and is not included in the types of Specialized Equipment;
  - other equipment commonly used in the chemical industry, such as fire-fighting equipment, guard and security/safety surveillance equipment, medical facilities, laboratory facilities, communications equipment.

The buildings mentioned in the definition of Chemical Weapons Production Facility in Article II cover Specialized Buildings and Standard Buildings.

- "Specialized Building" means:
  - any building, including underground structures, containing Specialized Equipment in a production or filling configuration;
  - any building, including underground structures, which has distinctive features which distinguish it from buildings normally used for chemical production or filling activities not banned by the Convention.
- "Standard Building" means:
  - any building, including underground structures, constructed to prevailing industry standards for facilities not producing super-toxic lethal or corrosive chemicals.

II. DECLARATIONS

A. Declarations of chemical weapons production facilities

The declaration shall contain for each facility:

1. The names of the facility, names of the owners, and names of the companies or enterprises operating the facility since 1 January 1946.

2. The exact location of the facility (including the address, location of the complex, location of the facility within the complex including the specific building and structure number, if any).

3. Chemical weapons produced at the facility and dates that they were produced:

(a) Types and quantities of chemicals produced and bulk containers filled;

(b) Types and quantities of munitions or devices filled; identity of chemical fill.

4. Capacity of the facility for chemical weapons production or filling, calculated in accordance with the definition of Production Capacity and expressed in terms of:

(a) The quantity of end-product that the facility can produce in one year;

(b) The quantity of chemical that the facility can fill into each type of munition or device in one year.

5. Status of and plans for the facility:

(a) When production of chemical weapons ceased;

(b) Whether it has been destroyed; date of final destruction;

(c) Whether it has been converted to activities not related to chemical weapons production; date of start of such activities; nature of [most recent] activities [, e.g. most recent production, types and quantities of products]; 1/

(d) Whether it has already been converted for destruction of chemical weapons; date of conversion;

(e) Whether it will be temporarily converted for destruction of chemical weapons.

6. For facilities that were not destroyed, detailed facility description:

(a) Layout of the facility;

(b) Process flow diagram;

(c) Detailed inventory of equipment and any spare or replacement parts on site;

[(d) The quantities of any chemicals or munitions on site, indicating what is already declared under Article IV.]

7. Lists of Specialized Equipment and Standard Equipment and any spare or replacement parts for chemical weapons production which have been removed from the facility; current status, if known.

B. Declarations of transfers

1. Chemical Weapons Production Equipment means:

- Specialized Equipment;
- equipment for the production of equipment specifically designed for use directly in connection with chemical weapons employment;
- equipment designed or used exclusively for producing non-chemical parts for chemical munitions.

1/ The problems of documentation and identification of relevant parts of such facilities need further consideration.

2. The declaration should specify:

(a) who received/transferred chemical weapons production equipment [and technical documentation];

(b) the identity of the equipment;

(c) date of transfer;

(d) whether the equipment [and technical documentation] was destroyed, if known;

(e) current disposition, if known.

3. A State Party that has transferred or received chemical weapons production equipment since 1 January 1946 shall declare these transfers and receipts in accordance with paragraph 2 above. When not all the specified data are available for the period between 1 January 1946 and [1 January 1970] [[20][10] years before the entry into force of the Convention], the State Party shall declare whatever information is still available to it and provide an explanation as to why it cannot submit a full declaration.

C. General Plans

1. For each facility the following information should be supplied:

(a) envisaged time frame for measures to be taken;

(b) methods of destruction.

2. In relation to temporary conversion into chemical weapons destruction facility:

(i) envisaged time frame for conversion into a destruction facility;

(ii) envisaged time for utilizing the facility as a destruction facility;

(iii) description of the new facility;

(iv) method of destruction of special equipment;

(v) time frame for destruction of the converted facility after it has been utilized to destroy chemical weapons;

(vi) method of destruction of the converted facility.

D. Annual declarations on destruction

1. The annual plan for destruction, to be submitted at least three months in advance of the coming destruction year, shall specify:

(a) capacity to be destroyed;

(b) location of the facilities where destruction will take place;

(c) list of buildings and equipment that will be destroyed at each facility;

(d) planned method of destruction.

2. The annual report on destruction, to be submitted within three months after the previous destruction year shall specify:

(a) capacity destroyed;

(b) location of the facilities where destruction took place;

(c) list of buildings and equipment that were destroyed at each facility;

(d) method of destruction.

E. Declarations with respect to chemical weapons production facilities under the control of others on the territory of the State Party

All elements contained in part II A and D of this Annex shall be declared. It is the responsibility of the State Party to make appropriate arrangements with the State which controls or controlled the facility that the declarations are made. If the State Party is not able to fulfil this obligation, it shall state the reasons thereof. 1/

III. DESTRUCTION

A. Principles and methods for closure, maintenance, temporary conversion and destruction of chemical weapons production facilities

General

Each State Party shall decide on methods to be applied for the destruction 2/ of its chemical weapons production facilities, according to the principles laid down in Article V and in this Annex.

1/ Further consideration is needed with regard to the obligation to provide the above information.

2/ Further discussion is needed of possible methods of destruction and of related definitions.

Closure and methods for closing the facility

1. The purpose of the closure of a chemical weapons production facility is to render it inoperable.

2. Agreed measures for closure will be taken by the State Party with due regard to the specific characteristics of each facility. Such measures shall include, inter alia: 1/

- prohibition of occupation of the Specialized Buildings and Standard Buildings of the facility except for agreed activities;

- disconnection of equipment directly related to the production of chemical weapons to include, inter alia, process control equipment and utilities;

- decommissioning of protective installations and equipment used exclusively for the safety of operations of the chemical weapons production facility;

- interruption of rail, road and other access routes for heavy transport to the chemical weapons production facility except those required for agreed activities.

3. While the chemical weapons production facility remains closed, the State Party may continue safety and physical security activities at the facility.

Technical maintenance of chemical weapons production facilities prior to their destruction

1. A State Party may carry out standard maintenance activities [in particular][only] for safety reasons at its chemical weapons production facilities, including visual inspection, preventive maintenance, and routine repairs.

2. All planned maintenance activities shall be specified in the general and detailed plan for destruction. Maintenance activities shall not include:

(a) [replacement of any process equipment];

1/ The activities and items in these measures will need further elaboration and discussion in light of methods of destruction and characteristics of specific facilities.

(b) modification of the characteristics of the chemical process equipment;

(c) production of chemicals of any type.

3. All maintenance activities shall be subject to monitoring by the Technical Secretariat.

Activities related to temporary conversion of chemical weapons production facilities into chemical weapons destruction facilities

Conversion guidelines are as follows:

1. Measures pertaining to the temporary conversion of chemical weapons production facilities into chemical weapons destruction facilities should ensure that the régime for the temporarily converted facilities is at least as stringent as the régime for facilities that have not been converted.

2. Chemical weapons production facilities converted into chemical weapons destruction facilities before the Convention enters into force shall be declared under the category of chemical weapons production facilities. They shall be subject to an initial visit by Inspectors who shall confirm the correctness of the information about those facilities. Verification that the conversion of these facilities was performed in such a manner as to render them inoperable as chemical weapons production facilities shall also be required, and shall fall within the framework of measures provided for the facilities that are to be rendered inoperable within three months after the Convention enters into force.

3. A State Party which intends to carry out a conversion of facilities after the Convention enters into force shall submit to the Technical Secretariat a general facility conversion plan, and subsequently shall submit annual plans. Conversion measures shall be carried out under international verification.

4. Should the State Party have the need of converting into a chemical weapons destruction facility an additional chemical weapons production facility that had been closed after the Convention entered into force, it shall inform the Technical Secretariat thereof [at least three] months in advance. The Technical Secretariat, in conjunction with the State Party, shall make sure that necessary measures are taken to render that facility, after its conversion, inoperable as a chemical weapons production facility.

A facility converted for the destruction of chemical weapons shall not be more fit for resuming chemical weapons production than a facility which has been closed and is under maintenance. Its reactivation shall require no less time.

5. During the active phase of the destruction of chemical weapons, converted facilities shall be subject to verification measures provided for destruction

facilities; at all other times they shall be verified under the provisions applicable to closed non-converted chemical weapons production facilities.

6. Converted chemical weapons production facilities shall be destroyed not later than 10 years after the Convention enters into force.

7. Any measures for the conversion of any given chemical weapons production facility are facility-specific and shall depend upon its individual characteristics.

8. The set of measures carried out for the purposes of converting a chemical weapons production facility into a chemical weapons destruction facility shall not be less than that which is provided for the disabling of other facilities to be carried out during the three months after the Convention enters into force.

Activities related to destruction

1. Destruction of equipment and buildings covered by the definition of a Chemical Weapons Production Facility

- All Specialized Equipment and Standard Equipment shall be physically destroyed.

- All Specialized Buildings and Standard Buildings shall be physically destroyed.

2. Facilities for producing unfilled chemical munitions and equipment for chemical weapons employment

- Facilities used exclusively for production of: (a) non-chemical parts for chemical munitions or (b) equipment specifically designed for use directly in connection with chemical weapons employment, shall be declared and destroyed. The destruction process and its verification shall be conducted according to the provisions of Article V that govern destruction of chemical weapons production facilities.

- All equipment designed or used exclusively for producing non-chemical parts for chemical munitions shall be physically destroyed. Such equipment, which includes specially-designed moulds and metal-forming dies, may be brought to a special location for destruction.

- All buildings and standard equipment used for such production activities shall be destroyed or converted for purposes not prohibited under the convention, with confirmation as necessary through consultations and inspections as provided for under Article IX.

- Activities for purposes not prohibited under the convention may continue while destruction or conversion proceeds.

B. Order of destruction

1. The order of destruction is based on the obligations specified in Article 1 and the other Articles of the Convention, including obligations regarding systematic international on-site verification; it takes into account interests of States Parties for undiminished security during the destruction period; confidence-building in the early part of the destruction stage; gradual acquisition of experience in the course of destroying chemical weapons production facilities and applicability irrespective of the actual characteristics of the facilities and the methods chosen for their destruction. The order of destruction is based on the principle of levelling out.

2. A State Party shall, for each destruction period, determine which chemical weapons production facilities are to be destroyed and carry out the destruction in such a way that not more than what is specified below remains at the end of each destruction period. A State Party is not precluded from destroying its facilities at a faster pace.

3. The following provisions shall apply to chemical weapons production facilities that produce Schedule 1 chemicals:

(a) Each State Party possessing such facilities shall start the destruction not later than one year from the date the Convention enters into force for it, and shall complete it not later than 10 years after the Convention enters into force. For a State which is a Party at the entry into force of the Convention, this overall period shall be divided into three separate destruction periods, namely, years 2-5, years 6-8, and years 9-10. For States which become a Party after the entry into force of the Convention, the destruction periods shall be adapted, taking into account paragraphs 1 and 2 above;

(b) Annual Production Capacity, calculated in accordance with the definition of Production Capacity, shall be used as the comparison factor for such facilities. It shall be expressed in agent tonnes, taking into account the rules specified for binary chemical weapons;

(c) Appropriate agreed levels shall be established for the end of the eighth year after the Convention enters into force. Production capacity that exceeds the relevant level shall be destroyed in equal increments during the first two destruction periods;

(d) A requirement to destroy a given amount of capacity shall entail a requirement to destroy any other chemical weapons production facility that supplied the Schedule 1 facility or filled the Schedule 1 chemical produced there into munitions or devices;

(e) Chemical weapons production facilities that have been converted temporarily for destruction of chemical weapons shall continue to be subject to the obligation to destroy capacity according to the provisions of the paragraph.

4. Each State Party possessing chemical weapons production facilities not covered in paragraph 3 above shall start the destruction of these facilities not later than one year from the date the Convention enters into force for it, and should complete it not later than five years after the Convention enters into force.

C. Detailed plans for destruction

Submission of detailed plans

Six months before destruction of a chemical weapons production facility, a State Party shall provide to the Technical Secretariat the detailed plans for destruction to include proposed measures for verification of destruction referred to in Section III.C.1 (f) of the present Annex, with respect to, e.g.:

- timing of the presence of the Inspectors at the facility to be destroyed;
- procedures for verification of measures to be applied to each item on the declared inventory;
- measures for phasing out systematic monitoring or for adjustment of the coverage of the monitoring system.

1. The detailed plans for destruction of each facility should contain:

(a) detailed time schedule of destruction process;

(b) layout of the facility;

(c) process flow diagram;

(d) detailed inventory of equipment, buildings and other items to be destroyed;

(e) measures to be applied to each item on the inventory;

(f) proposed measures for verification;

(g) security/safety measures to be observed during the destruction of the facility;

(h) working and living conditions to be provided for Inspectors.

2. In relation to the temporary conversion into a chemical weapons destruction facility.

In addition to the information contained in part V.B.1 of this Annex the following information should be provided:

(i) method of conversion into a destruction facility;

(ii) data on the destruction facility, in accordance with the Annex to Article IV, part III.C.1 (c) and (d).

3. In relation to destruction of a facility that was temporarily converted for destruction of chemical weapons, information should be provided in accordance with part III.C.1 of this Annex.

Review of detailed plans

(a) On the basis of the detailed plan for destruction and proposed measures for verification submitted by the State Party, and on experience from previous inspections, the Technical Secretariat shall prepare a plan for verifying the destruction of the facility, consulting closely with the State Party. Any differences between the Technical Secretariat and the State Party concerning appropriate measures should be resolved through consultations. Any unresolved matters shall be forwarded to the Executive Council 1/ for appropriate action with a view to facilitating the full implementation of the Convention.

(b) To ensure that the provisions of Article V and this Annex are fulfilled, the combined plans for destruction and verification shall be agreed upon between the Executive Council and the State Party. This agreement should be completed [60] days before the planned initiation of destruction.

(c) Each member of the Executive Council may consult with the Technical Secretariat on any issues regarding the adequacy of the combined plan for destruction and verification. If there are no objections by any members of the Executive Council, the plan shall be put into action.

(d) If there are any difficulties, the Executive Council should enter into consultations with the State Party to reconcile them. If any difficulties remain unresolved they should be referred to the Conference of the States Parties. The resolution of any differences over methods of destruction should not delay the execution of other parts of the destruction plan that are acceptable.

1/ The role of the Executive Council in the review process will need to be reviewed in the light of its composition and decision-making process.

(e) If agreement is not reached with the Executive Council on aspects of verification, or if the approved verification plan cannot be put into action, verification of destruction will proceed by the continuous on-site monitoring and presence of Inspectors.

(f) Destruction and verification should proceed according to the agreed plan. The verification should not unduly interfere with the destruction process and should be conducted through the presence of on-site Inspectors to witness the destruction. 1/

(g) If required verification or destruction actions are not taken as planned, all States Parties should be so informed. (Procedures to be developed.)

(h) For those items that may be diverted for permitted purposes. 2/

IV. VERIFICATION

A. International verification of declarations of chemical weapons production facilities by initial on-site inspections

(a) The purpose of the international verification of declarations of chemical weapons production facilities shall be:

- to confirm that all activity has ceased except that required for closure;
- to confirm through on-site inspections the accuracy of the declarations made in accordance with Article V.

(b) The Inspectors shall conduct this initial verification promptly, and in any event not later than [60] days after a declaration is submitted.

(c) They shall employ, as appropriate, agreed seals, markers or other inventory control procedures to facilitate an accurate inventory of the declared items at each chemical weapons production facility.

(d) Inspectors shall install such agreed devices as may be necessary to indicate if any resumption of production of chemical weapons occurs or if any declared item is removed. They shall take the necessary precaution not to hinder closure activities by the State Party. Inspectors may return to maintain and verify the integrity of the devices.

1/ This verification measure may not necessarily be the only one and others, as appropriate, may need to be further elaborated.

2/ Specification of the items, permitted purposes and methods of verification of disposition will need to be elaborated.

B. International verification of chemical weapons production facilities and cessation of their activities

1. International verification of closure of chemical weapons production facilities

Subsequent to the on-site verification of declarations as referred to in paragraph IV.A, the Inspectors shall conduct on-site inspections at each chemical weapons production facility for the purpose of verifying that measures referred to under (III, paragraph A.2) of this Annex have been accomplished.

2. Agreements on subsidiary arrangements 1/

(a) Within [6] months after entry into force of the Convention, States Parties shall conclude with the Organization detailed agreements on subsidiary arrangements for the systematic monitoring of their chemical weapons production facilities. Such agreements shall be based on a Model Agreement and shall specify for each production facility the detailed inspection procedures and arrangements for the installation, operation and maintenance of the seals and monitoring devices by the Technical Secretariat, taking into account the specific characteristics of each facility.

3. International systematic monitoring of chemical weapons production facilities

(a) The purpose of the international systematic monitoring of a chemical weapons production facility shall be to ensure that no resumption of production of chemical weapons nor removal of declared items would go undetected at this facility.

(b) The international systematic monitoring shall be initiated as soon as possible after the closure of the chemical weapons production facility and shall continue until this facility is destroyed. Systematic monitoring shall be ensured, in accordance with the agreements on subsidiary arrangements, through a combination of continuous monitoring with on-site instruments and systematic verification by international on-site inspections or, where the continuous monitoring with on-site instruments is not feasible, by the presence of Inspectors.

(c) In conjunction with the on-site verification of the closure of chemical weapons production facilities referred to in paragraph B.3 above and, if the relevant agreement on subsidiary arrangements for the systematic monitoring of a chemical weapons production facility has been concluded, Inspectors shall install for the purpose of this systematic monitoring a

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1/ The coverage of the subsidiary arrangements is to be discussed.

monitoring system as referred to in Part II, section III.A of the Protocol on Inspection Procedures. If no such agreement has been concluded, the Inspectors will initiate the systematic monitoring by their continuous presence on-site until the agreement is concluded, and the monitoring system installed and activated.

4. Systematic on-site inspections and visits

(a) The (Director-General of the) Technical Secretariat shall notify the State Party of its decision to inspect or visit a chemical weapons production facility 48 hours prior to the planned arrival of the inspection team at the facility for systematic inspections or visits. In the event of inspections or visits to resolve urgent problems, this period may be shortened. The (Director-General of the) Technical Secretariat shall specify the purpose(s) of the inspection or visit.

(b) Inspectors shall, in accordance with agreements on subsidiary arrangements have unimpeded access to all parts of the chemical weapons production facilities. The items on the declared inventory to be inspected will be chosen by the Inspectors.

(c) (The guidelines for determining the frequency of systematic on-site inspections are to be elaborated.) The particular production facility to be inspected shall be chosen by the Technical Secretariat in such a way as to preclude the prediction of precisely when the facility is to be inspected.

C. International verification of destruction of chemical weapons production facilities

(a) The purpose of international verification of destruction of chemical weapons production facilities shall be to confirm that the facility is destroyed as such in accordance with the obligations under the Convention and that each item on the declared inventory is destroyed in accordance with the agreed detailed plan for destruction.

(b) When all items on the declared inventory have been destroyed, the Technical Secretariat shall certify, in writing, the declaration of the State Party to that effect. After this certification, the Technical Secretariat shall terminate the international systematic monitoring of the chemical weapons production facility and will promptly remove all devices and monitoring equipment installed by the Inspectors.

(c) After this certification, the State Party will make the declaration that the facility has been destroyed.

D. International verification of temporary conversion of a chemical weapons production facility into a chemical weapons destruction facility

(to be elaborated)

ANNEX 1 TO ARTICLE VI

Régime for chemicals on Schedule 1

GENERAL PROVISIONS

1. A State Party shall not produce, acquire, retain or use chemicals in Schedule 1 outside the territories of States Parties and shall not transfer such chemicals outside its territory except to another State Party.

2. A State Party shall not produce, acquire, retain, transfer or use chemicals in Schedule 1 unless:

(i) the chemicals are applied to research, medical, pharmaceutical or protective purposes, and

(ii) the types and quantities of chemicals are strictly limited to those which can be justified for such purposes, and

(iii) the aggregate amount of such chemicals at any given time for such purposes is equal to or less than one metric tonne, and

(iv) the aggregate amount for such purposes acquired by a State Party in any calendar year through production, withdrawal from chemical weapons stocks and transfer is equal to or less than one metric tonne.

TRANSFERS

1. A State Party may transfer chemicals in Schedule 1 outside its territory only to another State Party and only for research, medical, pharmaceutical or protective purposes in accordance with paragraph 2 above.

2. Chemicals transferred shall not be retransferred to a third State.

3. Thirty days prior to any transfer to another State Party both States Parties shall notify the Technical Secretariat.

4. Each State Party shall make a detailed annual declaration regarding transfers during the previous calendar year. The declaration shall be submitted not later than 31 March for the preceding calendar year and shall for each chemical in Schedule 1 include the following information:

(i) the chemical name, structural formula and Chemical Abstracts Service Registry Number (if assigned);

(ii) the quantity acquired from other States or transferred to other States Parties. For each transfer the quantity, recipient and purpose should be included.

PRODUCTION

1. (a) Each State Party which produces chemicals in Schedule 1 for research, medical, pharmaceutical or protective purposes shall carry out the production at a single small-scale facility approved by the State Party, the only exceptions being those set forth in paragraphs 2 and 4 below.

(b) The production at a single small-scale facility shall be carried out in reaction vessels in production lines not configured for continuous operation; the volume of such a reaction vessel shall not exceed 100 litres while the total volume of all reaction vessels with a volume exceeding 5 litres shall not be more than 500 litres.

2. (a) Production of Schedule 1 chemicals in aggregate quantities not exceeding 10 kg per year may be carried out for protective purposes at one facility outside a single small-scale facility.

(b) Production of Schedule 1 chemicals in quantities of more than 100 g per year may be carried out for research, medical or pharmaceutical purposes outside a single small-scale facility in aggregate quantities not exceeding 10 kg per year per facility. 1/

Such facilities shall be approved by the State Party.

3. Each State Party, during production under paragraphs 1 and 2, shall assign the highest priority to ensuring the safety of people and to protecting the environment. Each State Party shall conduct such production in accordance with national standards for safety and emissions. 2/

4. Synthesis of Schedule 1 chemicals for research, medical or pharmaceutical purposes, but not for protective purposes, may be carried out at laboratories 3/ [approved by the State Party] in aggregate quantities less than 100 g per year per facility. 4/

1/ A view was expressed that ultratoxic substances (to be determined) shall not be allowed to be produced in excess of 10 g per year.

2/ A view was expressed that the degree of priority to be attached to the environment for purposes not prohibited by the Convention needs further consideration.

3/ A view was expressed that if so requested by the Technical Secretariat detailed information shall be submitted.

4/ The question whether transfer of Schedule 1 chemicals from a laboratory should be permitted or not needs further discussion.

SINGLE SMALL-SCALE FACILITY

I. Declarations

A. Initial declarations

Each State Party which plans to operate such a facility shall provide the Technical Secretariat with the location and a detailed technical description of the facility, including an inventory of equipment and detailed diagrams. For existing facilities, this information shall be provided not later than 30 days after the Convention enters into force for the State Party. Information on new facilities shall be provided not later than 180 days before operations are to begin.

B. Advance notifications

Each State Party shall give advance notification to the Technical Secretariat of planned changes related to the initial declaration. The notification shall be submitted not later than 180 days before the changes are to take place.

C. Annual declarations

(a) Each State Party possessing a facility shall make a detailed annual declaration regarding the activities of the facility for the previous calendar year. The declaration shall be submitted not later than 31 March for the preceding calendar year and shall include:

1. Identification of the facility

2. For each chemical in Schedule 1 produced, acquired, consumed or stored at the facility, the following information:

    (i) the chemical name, structural formula and Chemical Abstracts Service Registry Number (if assigned);

    (ii) the methods employed and quantity produced;

    (iii) the name and quantity of precursor chemicals listed in Schedules 1, 2, Part A or 3 used for production of chemicals in Schedule 1;

    (iv) the quantity consumed at the facility and the purpose(s) of the consumption;

    (v) the quantity received from or shipped to other facilities within the State Party. For each shipment the quantity, recipient and purpose should be included;

(vi) the maximum quantity stored at any time during the year;

(vii) the quantity stored at the end of the year.

3. Information on any changes at the facility during the year compared to previously submitted detailed technical descriptions of the facility including inventories of equipment and detailed diagrams.

(b) Each State Party possessing a facility shall make a detailed annual declaration regarding the projected activities and the anticipated production at the facility for the coming calendar year. The declaration shall be submitted not later than 31 October for the following calendar year and shall include:

1. Identification of the facility

2. For each chemical in Schedule 1 produced, consumed or stored at the facility, the following information:

(i) the chemical name, structural formula and Chemical Abstracts Service Registry Number (if assigned);

(ii) the quantity anticipated to be produced and the purpose of the production.

3. Information on any anticipated changes at the facility during the year compared to previously submitted detailed technical descriptions of the facility including inventories of equipment and detailed diagrams.

II. Verification

1. The aim of verification activities at the facility shall be to verify that the quantities of Schedule 1 chemicals produced are correctly declared and, in particular, that their aggregate amount does not exceed one metric tonne.

2. The single small-scale facility shall be subject to systematic international on-site verification, through on-site inspection and monitoring with on-site instruments.

3. The number, intensity, duration, timing and mode of inspections for a particular facility shall be based on the risk to the objectives of the Convention posed by the relevant chemicals, the characteristics of the facility and the nature of the activities carried out there. The guidelines to be used shall include: (to be developed).

4. The purpose of the Initial inspection shall be to verify information provided concerning the facility, including verification of the limits on the reaction vessels as required under this Annex.

5. Within [3] [6] [12] 1/ 2/ months after the entry into force of the Convention each State Party possessing a facility shall conclude an agreement, 3/ based on a model for an agreement, with the Organization, covering detailed inspection procedures for the facility. 4/

Each State Party planning to establish such a facility after the entry into force of the Convention shall conclude an agreement with the Organization before the facility begins operation or is used.

Each agreement shall include: (to be developed).

1/ The view was expressed that the time periods for conclusion of arrangements for different types of facility subject to inspection under the Convention should be rationalized.

2/ A view was expressed that in light of the need for provisional inspection procedures, pending conclusion of the agreement, 12 months is an undue length of time.

3/ The view was expressed that negotiations on this agreement should commence immediately after the signing of the Convention.

4/ The view was expressed that pending conclusion of the agreement between a State Party and the Organization there would be a need for provisional inspection procedures to be formulated.

FACILITIES COVERED BY PARAGRAPH 2 OF THE SECTION ON PRODUCTION ABOVE

I. Declarations

A. Initial declarations

Each State Party shall provide the Technical Secretariat with the name, location and a detailed technical description of each facility or its relevant part(s) as requested by the Technical Secretariat. The facility producing Schedule 1 chemicals for protective purposes shall be specifically identified. For existing facilities, this information shall be provided not later than 30 days after the Convention enters into force for the State Party. Information on new facilities shall be provided not less than 180 days before operations are to begin.

B. Advance notifications

Each State Party shall give advance notification to the Technical Secretariat of planned changes related to the initial declaration. The notification shall be submitted not later than 180 days before the changes are to take place.

C. Annual declarations

(a) Each State Party shall, for each facility, make a detailed annual declaration regarding the activities of the facility for the previous calendar year. The declaration shall be submitted not later than 31 March for the preceding calendar year and shall include:

1. Identification of the facility

2. For each chemical in Schedule 1 the following information:

    (i) the chemical name, structural formula and Chemical Abstracts Service Registry Number (if assigned);

    (ii) the quantity produced;

    and, in case of production for protective purposes, methods employed;

    (iii) the name and quantity of precursor chemicals listed in Schedules 1, 2, Part A or 3 used for production of chemicals in Schedule 1;

    (iv) the quantity consumed at the facility and the purpose of the consumption;

(v) the quantity transferred to other facilities within the State Party. For each transfer the quantity, recipient and purpose should be included;

(vi) the maximum quantity stored at any time during the year;

(vii) the quantity stored at the end of the year.

3. Information on any changes at the facility or its relevant part(s) during the year compared to previously submitted detailed technical description of the facility.

(b) Each State Party shall, for each facility, make a detailed annual declaration regarding the projected activities and the anticipated production at the facility for the coming calendar year. The declaration shall be submitted not later than 31 October for the following calendar year and shall include:

1. Identification of the facility

2. For each chemical in Schedule 1 the following information:

(i) the chemical name, structural formula and Chemical Abstracts Service Registry Number (if assigned);

(ii) the quantity anticipated to be produced, the time period(s) when the production is anticipated to take place and the purposes of the production.

3. Information on any anticipated changes at the facility or its relevant part(s), during the year compared to previously submitted detailed technical descriptions of the facility.

II. Verification

1. The aim of verification activities at the facility shall be to verify that:

(i) the facility is not used to produce any chemical listed in Schedule 1, except for the declared chemical;

(ii) the quantities of the chemical listed in Schedule 1 produced, processed or consumed are correctly declared and consistent with needs for the declared purpose;

(iii) the chemical listed in Schedule 1 is not diverted or used for other purposes.

2. The facility shall be subject to systematic international on-site verification through on-site inspection and monitoring with on-site instruments.

3. The number, intensity, duration, timing and mode of inspections for a particular facility shall be based on the risk to the objectives of the Convention posed by the quantities of chemicals produced, the characteristics of the facility and the nature of the activities carried out there. The guidelines to be used shall include: (to be developed).

4. Within [3] [6] [12] [1] [2] months after the entry into force of the Convention each State Party possessing such (a) facility (facilities) shall conclude (an) agreement(s), [3] based on a model for an agreement, with the Organization, covering detailed inspection procedures for the facility (facilities). [4]

Each State Party planning to establish such a facility after the entry into force of the Convention shall conclude an agreement with the Organization before the facility begins operation or is used.

Each agreement shall include: (to be developed).

1/ The view was expressed that the time periods for conclusion of arrangements for different types of facility subject to inspection under the Convention should be rationalized.

2/ A view was expressed that in light of the need for provisional inspection procedures, pending conclusion of the agreement, 12 months is an undue length of time.

3/ The view was expressed that negotiations on this agreement should commence immediately after the signing of the Convention.

4/ The view was expressed that pending conclusion of the agreement between a State Party and the Organization there would be a need for provisional inspection procedures to be formulated.

ANNEX 2 TO ARTICLE VI

Régime 1/ for Chemicals on Schedule 2 Parts A and B

DECLARATIONS

The Initial and Annual Declarations to be provided by a State Party under paragraphs 4 and 5 of Article VI shall include:

1. Aggregate national data on the production, processing and consumption of each chemical listed in Schedule 2, and on the export and import of the chemicals in the previous calendar year with a specification of the countries involved. 2/

2. The following information for each facility which, during any of the previous three calendar years, produced, processed or consumed more than one tonne 3/ 4/ of chemicals listed in Schedule 2 Part A or which produced at any time [since 1 January 1946] [during the 15 years prior to the entry into force of the Convention] a chemical in Schedule 2 for chemical weapons purposes: 5/

[The following information for each facility which, during the previous calendar year, produced, processed or consumed more than [10] [100] [1,000] kg of the chemicals listed in Schedule 2 Part B.]

1/ The thresholds for Schedule 2 B need further consideration.

2/ Trading companies need further consideration.

3/ One delegation expressed the preference that the thresholds for declaration and verification should be based on production capacity.

4/ The issue of the threshold of one tonne, in particular with regard to its application to a three-year reference period, required further consideration.

5/ Further discussion is needed on the type of verification which would be required for facilities which have been producing for chemical weapons purposes but no longer produce chemicals on Schedule 2 A. It is suggested that the verification of the declaration with respect to such facilities would be achieved by an initial inspection. If it is then found that the relevant production equipment has been removed or destroyed, no further routine inspections would take place. Otherwise a routine inspection régime would be established. It has been suggested by some delegations to remove the reference to those facilities to the Annex to Article V, while other delegations prefer to keep the text in the relevant Annex to Article VI.

Chemical(s)

(i) The chemical name, common or trade name used by the facility, structural formula, and Chemical Abstracts Service Registry Number (if assigned).

(ii) The total amount produced, consumed, imported and exported in the previous calendar year or, in the case of the initial declaration, in each of the three previous calendar years. 1/

(iii) The purpose(s) for which the chemical(s) are produced, consumed or processed:

(a) conversion on-site (specify product type);

(b) sale or transfer to other domestic industry (specify final product type);

(c) export (specify which country);

(d) other.

Facility 2/

(i) The name of the facility and of the owner, company, or enterprise operating the facility.

(ii) The exact location of the facility (including the address, location of the complex, location of the facility within the complex including the specific building and structure number, if any).

(iii) Whether the facility is dedicated to producing or processing the listed chemical or is multi-purpose.

(iv) The main orientation (purpose) of the facility.

(v) Whether the facility can readily be used to produce a Schedule 1 chemical or another Schedule 2 chemical. Relevant information should be provided, when applicable.

(vi) The production capacity for the declared Schedule 2 chemical(s).

1/ Whether the total amount is to be expressed as an exact figure or within a range is to be discussed.

2/ The view was expressed that a definition of a chemical production facility was needed and thus should be elaborated.

(vii) Which of the following activities are performed with regard to the Schedule 2 chemicals:

(a) production;

(b) processing with conversion into another chemical;

(c) processing without chemical conversion;

(d) other - specify.

Advance notifications

3. (a) Each State Party shall annually notify the Technical Secretariat of facilities which intend, during the coming calendar year, to produce, process or consume more than ... of any chemical listed in Schedule 2. The notification shall be submitted not later than 31 October for the following calendar year and shall for each facility include the following information:

(i) The information specified under paragraph 2 above, except for quantitative information relating to the previous calendar year;

(ii) For each chemical listed in Schedule 2 intended to be produced or processed, the total quantity intended to be produced or processed during the coming calendar year and the time period(s) when the production or processing is anticipated to take place.

(b) Each State Party shall notify the Technical Secretariat of any production, processing or consumption planned after the submission of the annual notification under paragraph 3 (a), not later than [5][10][30] days before the production or processing is anticipated to begin. The notification shall for each facility include the information specified under paragraph 3 (a).

Verification 1/

Aim

4. The aim of the measures stipulated in Article VI, paragraph 7 shall be to verify that:

(i) Facilities declared under this Annex are not used to produce any chemical listed in Schedule 1. 2/

1/ Some of the provisions contained in this section have general application throughout the Convention. It is understood that the retention of these will be reviewed at a later stage in the negotiations.

2/ It was suggested that "or for any other purposes prohibited by the Convention" should be added.

(ii) The quantities of chemicals listed in Schedule 2 produced, processed or consumed are consistent with needs for purposes not prohibited by the Chemical Weapons Convention. 1/

(iii) The chemicals listed in Schedule 2 are not diverted or used for purposes prohibited by the Chemical Weapons Convention.

Obligation and Frequency

5. (i) Each facility notified to the Technical Secretariat under this Annex which during the previous three calendar years produced, processed or consumed more than 10 tonnes of chemicals listed in Schedule 2 Part A over a period of one year, shall be subject to systematic international on-site verification on a routine basis. The same applies to any facility which intends to produce, process or consume more than 10 tonnes of such chemicals during a period of one year.

(ii) The number, intensity, duration, timing and mode of inspections and monitoring with on-site instruments for a particular facility shall be based on the risk to the objectives of the Convention posed by the relevant chemical, the characteristics of the facility and the nature of the activities carried out there. 2/ 3/ The guidelines to be used shall include: (to be developed). 4/

Selection

6. The particular facility to be inspected shall be chosen by the Technical Secretariat in such a way to preclude the prediction of precisely when the facility is to be inspected.

1/ Opinions were expressed on the need to consider the question of the existence in a facility of excessive capacity for the production of chemicals in Schedule 2.

2/ One delegation suggested that the number of such inspections could be from one to five per year.

3/ A number of possible factors that could influence the number, intensity, duration, timing and mode of inspections have been identified and discussed. The result of this work is enclosed in Appendix II to serve as a basis for future work.

4/ It was noted that a "weighted approach" might be taken in determining the inspection régime for specific chemicals. The importance of establishing a threshold(s) in this context was also noted. It was mentioned that a threshold(s) should relate to "militarily significant quantities" of the relevant chemical(s).

Notification

7. A State Party shall be notified by the (Director-General of the) Technical Secretariat of the decision to inspect a facility referred to in paragraphs 2 and 3 ... hours prior to the arrival of the inspection team.

Agreement on Inspection Procedures

8. Each State Party shall execute an agreement, based on a model agreement, with the Organization, within [6] months after the Convention enters into force for the State Party, governing the conduct of the inspections of the facilities declared by the State Party. The agreement shall provide for the detailed subsidiary arrangements which shall govern inspections at each facility. 1/

9. Such agreements shall be based on a Model Agreement and shall specify for each facility the number, intensity, duration of inspections, detailed inspection procedures and the installation, operation and maintenance of on-site instruments by the Technical Secretariat.

Verification Inspections

10. The areas of a facility to be inspected under subsidiary arrangements may, inter alia, include: 2/

(i) areas where feed chemicals (reactants) are delivered and/or stored;

(ii) areas where manipulative processes are performed upon the reactants prior to addition to the reaction vessel;

(iii) feed lines as appropriate from subparagraph (i) and/or subparagraph (ii) to the reaction vessel, together with any associated valves, flow meters, etc.;

(iv) the external aspect of the reaction vessel and its ancillary equipment;

1/ Several delegations considered that the model agreement should be elaborated as part of the negotiations on the Convention. A draft for such a Model Agreement is contained in Appendix II.

2/ Opinions were expressed on the need to consider the question of the existence in a facility of excessive capacity for the production of chemicals on Schedule 2.

(v) lines from the reaction vessel leading to long- or short-term storage or for further processing of the designated chemical;

(vi) control equipment associated with any of the items under subparagraphs (i) to (v);

(vii) equipment and areas for waste and effluent handling;

(viii) equipment and areas for disposition of off-specification chemicals.

11. (a) The (Director-General of the) Technical Secretariat shall notify the State Party of its decision to inspect or visit the facility [48] [12] hours prior to the planned arrival of the inspection team at the facility for systematic inspections or visits. In the event of inspections or visits to resolve urgent problems, this period may be shortened. The (Director-General of the) Technical Secretariat shall specify the purpose(s) of the inspection or visit.

(b) Inspectors shall, in accordance with agreements on subsidiary arrangements have unimpeded access to all areas that have been agreed for inspection.

ANNEX 3 TO ARTICLE VI

Régime for Chemicals on Schedule 3

DECLARATIONS

1. The Initial and Annual Declarations to be provided by a State Party under paragraph 5 of Article VI shall include the following information for each of the chemicals listed in Schedule 3:

(i) The chemical name, common or trade name used by the facility, structural formula and Chemical Abstracts Service Registry Number.

(ii) The total amount produced, processed, consumed, imported and exported in the previous calendar year, whenever such an amount is above 30 tonnes. 1/

(iii) The final product or end use of the chemical in accordance with the following categories (to be developed).

(iv) For each facility which during the previous calendar year produced, processed, consumed or transferred more than 30 tonnes of a chemical listed in Schedule 3 or which produced 2/ at any time [since 1 January 1946] [during the [15] years prior to the entry into force of the Convention] a chemical in Schedule 3 for chemical weapons purposes: 3/

(a) The name of the facility and of the owner, company, or enterprise operating the facility.

(b) The location of the facility.

(c) The Production Capacity of the facility.

1/ A view was expressed that the amount of 30 tonnes would be subject to change in case changes are made in Schedule 3.

2/ A view was expressed that the question of a quantitative threshold would need to be discussed in this context.

3/ It has been suggested by some delegations to remove the reference to those facilities to the Annex to Article V, while other delegations prefer to keep the text in the relevant Annex to Article VI.

["(d) The approximate amount of production, processing and consumption of the chemical in the previous calendar year, expressed in the ranges: up to 100 tonnes, 100-1,000 tonnes, 1,000-10,000 tonnes, and above 10,000 tonnes specified to the nearest 10,000 tonnes.]

2. A State Party shall notify the Technical Secretariat of the name and location of any facility which intends, in the calendar year following submission of the Annual Declaration, to produce, process or consume any of the chemicals listed in Schedule 3 above 30 tonnes."

VERIFICATION

The verification régime for chemicals listed in Schedule 3 will comprise both the provision of data by a State Party to the Technical Secretariat and the monitoring of that data by the Technical Secretariat. 1/

1/ Some delegations consider that provision should be made for resort to an on-site "spot-check" inspection, if required, to verify information supplied by a State Party. Other delegations believe that the provisions of Articles VII, VIII and IX of the Convention are sufficient in this respect.

OTHER DOCUMENTS

ARTICLE VI

ACTIVITIES NOT PROHIBITED UNDER THE CONVENTION

1. Each State Party:

(a) Has the right, subject to the provisions of this Convention, to develop, produce, otherwise acquire, retain, transfer and use toxic chemicals and their precursors for purposes not prohibited under the Convention;

(b) Shall ensure that toxic chemicals and their precursors are not developed, produced, otherwise acquired, retained, transferred, or used within its territory or anywhere under its jurisdiction or control for purposes prohibited under the Convention.

2. Each State Party shall subject toxic chemicals and their precursors listed in Schedules 1, 2A, 2B and 3, as well as facilities which produce, process or consume these toxic chemicals or precursors and other facilities specified under Annex 3, that are located within its territory or in any place under its jurisdiction or control to international monitoring as provided in Annexes 1, 2, and 3 to this article in order to verify that activities are in accordance with obligations under the Convention.

3. Not later than 30 days after the entry into force of the Convention for it, each State Party shall declare data on relevant chemicals and facilities in accordance with Annexes 1, 2 and 3 to this article.

4. Each State Party shall make annual declarations regarding the relevant chemicals and facilities in accordance with Annexes 1, 2 and 3 to this article.

5. Each State Party shall subject chemicals listed in Schedule 1 and facilities specified in Annex 1 to this article to the measures contained in that Annex.

6. Each State Party shall subject chemicals listed in Schedules 2A, 2B and 3 and facilities declared under Annex 2 and Annex 3 to this article to monitoring by data reporting and international on-site verification in accordance with appropriate Annexes.

7. The provisions of this article shall be implemented in a manner which avoids, as far as possible, hampering the economic or technological development of States Parties and international cooperation in the field of chemical activities for purposes not prohibited under the Convention, including the international exchange of scientific and technical information and chemicals and equipment for the production, processing or use of chemicals.

8. In conducting verification activities, the Technical Secretariat shall avoid undue intrusion into the State Party's chemical activities for purposes not prohibited under the Convention.

9. For the purpose of on-site verification, each State Party shall grant to the inspectors access to facilities as required in the Annexes to this article.

LOW CONCENTRATIONS

In the following paragraphs, some suggestions are given how the question of "low concentrations" could be taken up in the relevant Annexes of the Convention. When final agreement on the Schedules and Annexes 2 and 3 to Article VI is reached, further efforts will be made to decide on the question of low concentrations. 1/ If there is insufficient time to tackle this question before the end of the negotiations on the Convention, the texts in paragraphs 2 and 3 may be inserted into the draft Convention.

1. It was thought that low concentration provisions should not apply to Schedule 1. All Schedule 1 chemicals, in solution or otherwise, should be declared on the basis of the weight of the scheduled compound according to Annex 1 to Article VI.

2. Low concentration provisions will be most important for Schedule 2 chemicals. The following provision could be included in Annex 2 to Article VI:

> "Formulations of Schedule 2A products containing a low concentration of the scheduled chemical are exempted from the declaration and monitoring provisions of this Annex except in cases where the total weight present in those formulations and the relative ease of recovery of the scheduled chemicals from the formulation is deemed to pose a risk to the purposes of the Convention. Provisions concerning appropriate percentages, weights of scheduled chemicals and ease of their recovery will be developed by the Preparatory Commission".

3. Low concentration provisions may also be applicable to Schedule 3 chemicals. The following provision could be included in Annex 3 to Article VI:

> "Formulations of Schedule 3 products containing a low concentration of the scheduled material are exempted from the declaration (and monitoring) provisions of this Annex except in such cases where the total weight present in those formulations and the relative ease of recovery of the scheduled chemicals from the formulation is deemed to pose a risk to the purposes of the Convention. Provisions concerning appropriate percentages, weights of scheduled chemicals and ease of their recovery will be developed by the Preparatory Commission."

1/ A view was expressed that, in view of the existing thresholds for declarations and monitoring, no need exists for special provisions for low concentrations.

PREPARATORY COMMISSION 1/

1. For the purpose of carrying out the necessary preparations for the effective operation of the provisions of the Convention and for preparing for the first session of the Conference of the States Parties, the Depositary of the Convention shall convene a Preparatory Commission not later than [30] days after the Convention has been signed by [50] States.

2. The Commission shall be composed of all States which sign the Convention before its entry into force. Each signatory State shall have one representative in the Preparatory Commission, who may be accompanied by alternates and advisers.

3. The Commission shall be convened at [...] and remain in existence until the first session of the Conference of the States Parties has convened.

4. The expenses of the Commission, as well as of the provisional Technical Secretariat, shall be met by the States signatories to the Convention, participating in the Commission, in accordance with the United Nations scale of assessment, adjusted to take into account differences between the United Nations membership and the participation of States signatories in the Commission and timing of signature. 2/ The Commission and the provisional Technical Secretariat may also benefit from voluntary contributions.

5. All decisions of the Commission should be taken by consensus. If notwithstanding the efforts of representatives to achieve consensus, an issue comes up for voting, the Chairman of the Commission shall defer the vote for 24 hours and during this period of deferment shall make every effort to facilitate achievement of consensus, and shall report to the Commission prior to the end of the period. If consensus is not possible at the end of 24 hours, the Commission shall take decisions on questions of procedure by a simple majority of the members present and voting. Decisions on questions of substance shall be taken by two-thirds majority of the members present and voting. When the issue arises as to whether the question is one of substance or not, that question shall be treated as one of substance unless otherwise decided by the Commission by the majority required for decisions on questions of substance. 3/

1/ Provisions on the Commission could be contained in a resolution of the United Nations General Assembly commending the Convention or in an appropriate document associated with it or in a resolution annexed to the Final Act adopting the Convention.

2/ It is understood that States acceding to the Convention will share the expenses of the preparatory activity through an appropriate mechanism of reimbursement.

3/ It has also been proposed that decisions should be taken by consensus only.

6. The Commission shall:

(a) elect its Chairman and other officers, adopt its rules of procedures, determine its place of meeting, meet as often as necessary and establish such committees as it deems useful;

(b) appoint its Executive Secretary;

(c) establish a provisional Technical Secretariat to assist the Commission in its activity and to exercise such functions as the Commission may determine, appoint the necessary staff in charge of preparatory work concerning the main activities to be carried out by the Technical Secretariat to be established by the Convention. Only nationals of signatory States can be appointed to the provisional Technical Secretariat;

(d) make arrangements for the first session of the Conference of the States Parties, including the preparation of a draft agenda and draft rules of procedure;

(e) undertake, inter alia, the following tasks on subjects requiring immediate attention after the entry into force of the Convention:

(i) the detailed staffing pattern of the Technical Secretariat, including decision-making flow charts;

(ii) assessments of personnel requirements;

(iii) staff rules for recruitment and service conditions;

(iv) recruitment and training of technical personnel;

(v) standardization and purchase of equipment;

(vi) organization of office and administrative services;

(vii) recruitment and training of support staff;

(viii) establishment of the scale of financial contribution for the Organization; 1/

(ix) establishment of administrative and financial regulations;

(x) preparation of host country agreement;

(xi) preparation of guidelines for initial inspections and facility agreements;

1/ The entire problem of the costs of the Organization needs to be considered.

(xii) preparation of programme of work and budget of the first year of activities of the Organization;

(xiii) preparation of such studies, reports and recommendations as it deems necessary.

7. The Commission shall prepare a final report on all matters within its mandate for the first session of the Conference of the States Parties and the first meeting of the Executive Council. It shall make recommendations to the Conference of the States Parties, including on the transfer of functions, property and records from the provisional Technical Secretariat to the Technical Secretariat.

8. At the first session of the Conference of the States Parties, the property and records of the Commission shall be transferred to the Organization.

ADDENDUM TO APPENDIX I

ARTICLE IX

Procedure for Challenge Inspections

8. Each State Party has the right to request [the Executive Council for] an on-site challenge inspection of any facility or location in any other State Party 1/ for the sole purpose of clarifying and resolving any questions concerning compliance with the provisions of the Convention, and to have this inspection conducted anywhere without delay by an inspection team designated by the Director-General of the Technical Secretariat and in accordance with the Protocol on Inspection Procedures.

Each State Party is under the obligation to keep the request within the scope of the Convention and to provide in the request all appropriate information [evidence] [supporting the suspicion of non-compliance] [on the concern regarding compliance] with the Convention as specified in the Protocol on Inspection Procedures. [Each State Party shall refrain from unfounded requests, care being taken to avoid abuse.] The challenge inspection shall be carried out for the sole purpose of determining facts relating to compliance.

9. For the purpose of verifying compliance with the provisions of this Convention, each State Party shall permit the Technical Secretariat to conduct on-site challenge inspections pursuant to paragraph 8.

10. Pursuant to a challenge of its facility or location, and in accordance with the procedures provided for in the Protocol on Inspection Procedures, a State Party has:

- the right and the obligation to demonstrate its compliance with the Convention and, to this end, to enable the inspection team to fulfil its mandate;

- the obligation to provide access within the requested site for the sole purpose of establishing facts relevant to the request; and

- the right to take measures to protect sensitive installations, and to prevent disclosure of confidential information, not related to the Convention.

11. The requesting State Party [has the right to] [may, subject to the agreement of the inspected State Party,] send a representative to observe the conduct of the inspection. The inspected State Party shall [then] grant access to the observer in accordance with the Protocol on Inspection Procedures.

1/ It is understood that issues relating to "jurisdiction and control" in the context of challenge inspections need to be considered further.

12. The requesting State Party shall present a request for an on-site challenge inspection to the Director-General of the Technical Secretariat. The Director-General shall [notify] [transmit the request immediately after its receipt to] the inspected State Party [not less than 12 hours prior to the planned arrival of the inspection team at the point of entry]. Contemporaneously, the members of the Executive Council [and all the other States Parties] shall be informed about the request.

13. The Director-General of the Technical Secretariat [subsequent to the decision of the Executive Council] shall issue a mandate for the conduct of the inspection. The mandate shall be the request referred to in paragraph 8 put into operational terms, and shall conform with the request.

14. The inspection shall be conducted in accordance with Part III or, in the case of alleged use, in accordance with Part IV of the Protocol on Inspection Procedures.1/ The inspection team shall be guided by the principle of conducting the inspection in the least intrusive manner possible, consistent with the effective and timely accomplishment of its mission.

15. The inspected State Party shall assist the inspection team throughout the inspection and facilitate its task. If the inspected State Party proposes [, in exceptional cases,] [, pursuant to Part III, Section III.B of the Protocol on Inspection Procedures,] arrangements to demonstrate compliance with the Convention, alternative to full and comprehensive access, it shall make every [reasonable] effort, through consultations with the inspection team, to reach agreement on the modalities for establishing the facts with the aim of demonstrating its compliance. [In case of any prolonged disagreement, the Executive Council shall be immediately seized of the problem.]

16. The final report shall contain the factual findings as well as an assessment by the inspection team of the degree and nature of access and cooperation granted to the inspectors and the extent to which this enabled them to fulfil their mandate. The Director-General of the Technical Secretariat shall promptly transmit the final report of the inspection team to the requesting State Party, to the inspected State Party, to the Executive Council and to all other States Parties.2/ The Director-General shall further transmit promptly to the Executive Council the [assessment] [view(s)] of the requesting State Party, the view(s) of the inspected State Party, and the view(s) of other States Parties which may be conveyed to the Director-General for that purpose, and then provide them to all States Parties.

1/ A view was expressed that the provisions regarding investigations of alleged use of chemical weapons should be placed in a separate section under this Article.

2/ It was suggested that the Director-General should express his views on the matter.

17. [When requested by any State Party,] the Executive Council shall meet within 48 hours [following the presentation of the final report of the inspection team] to review [and assess] the situation [, decide on, inter alia, whether any non-compliance with the Convention or abuse of the right to challenge inspection has occurred] and consider any appropriate further action necessary to redress the situation and to ensure compliance with the Convention, including [sanctions and other] specific proposals to the Conference of the States Parties. [It may also assess whether a request was in conformity with the obligations contained in paragraph 8 to keep the request within the scope of the Convention.] At such a meeting, the requesting State Party and the inspected State Party shall have the right [are invited] to participate. The Executive Council shall inform the States Parties (Conference of the States Parties?) of the outcome of its meeting.

PROTOCOL ON INSPECTION PROCEDURES 1/

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1/ The texts contained in this document require further consideration and elaboration including the level of detail required in this Protocol as well as the overlap between detail in the Annexes and in this Protocol. Some delegations held that many of the details should not be included in the Protocol and that they should rather be the subject of an Inspectors' manual to be issued by the Technical Secretariat. Also the status of this Protocol and the question of amendment procedures to be applied to the provisions contained in the Protocol require further discussion.

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PART I: GENERAL

I. DEFINITIONS

"Inspector" means an individual designated by the Director-General of the Technical Secretariat according to the procedures as set forth in part I, Section II of this Protocol to carry out an inspection in accordance with the Convention, its annexes, and facility agreements between States Parties and the Organization of the Convention.

"Inspection assistant" means an individual designated by the Director-General of the Technical Secretariat according to the procedures as set forth in part I, Section II of this Protocol to assist inspectors in an inspection (e.g. medical, security, administration, interpreters).

"Inspection Team" means the group of inspectors and inspection assistants assigned by the Director-General of the Technical Secretariat to conduct a particular inspection.

"Inspected State Party" means the State Party to the Convention on whose territory an inspection pursuant to the Convention, its annexes and facility agreements between Parties and the Organization of the Convention takes place, or the State Party to the Convention whose facility on the territory of a host State is subject to such an inspection.

"Inspection Site" means any area or facility at which the inspection is carried out and which is specifically defined in the respective facility agreement or inspection request or mandate or inspection request as expanded by the alternative or final perimeter.

"Perimeter" in case of a challenge inspection means the external boundary of the inspection site, either defined by geographic coordinates or by description on a map.

- "Requested Perimeter" means the inspection site perimeter as specified in the inspection request; it shall conform to the requirements of paragraph 3 of Part III, Section II.A.

- "Alternative Perimeter" means the inspection site perimeter as specified, alternatively to the requested perimeter, by the inspected State Party; it shall conform to the requirements of paragraph 2 of Part III, Section II.C.

- "Final Perimeter" means the final inspection site perimeter as agreed if necessary in negotiations between the inspection team and the inspected State Party; if such negotiations should not lead to an agreement [the alternative perimeter would also constitute the final perimeter].

[- "Declared Perimeter" means any area within which the facility declared pursuant to Articles III, IV, V and VI, and their Annexes, is located.]

"Period of Inspection" means the period of time from arrival of the inspection team at the inspection site until its departure from the inspection site, exclusive of time spent on briefings before and after the verification activities.

"Point of Entry" means the location(s) designated for the in-country arrival of inspection teams for inspections pursuant to the Convention and for their departure after completion of their mission.

"In-Country Period" means the period from the arrival of the inspection team at a point of entry until its departure from the State at a point of entry.

"Host State" means that State on whose territory lie States Parties' facilities subject to inspection under the Convention.

"In-Country Escort" means individuals specified by the inspected State Party and, if appropriate, by the Host State, if they so wish to accompany and assist the inspection team during the in-country period.

"Routine Inspections" means the systematic, on-site inspection [, subsequent to initial inspections,] of facilities declared pursuant to Articles IV, V, VI and the Annexes to those Articles.

"Initial inspection" means the first on-site inspection of facilities to verify data declared pursuant to Articles IV, V, VI and the Annexes to those Articles.

"Challenge Inspection" means the inspection of a State Party requested by another State Party pursuant to Article IX, part II.

"Requesting State Party" means a State Party which has requested a challenge inspection pursuant to Article IX.

"Observer" means a representative of a requesting State Party designated by that State Party to observe a challenge inspection.

"Approved Equipment" means the devices and/or instruments necessary for the performance of the inspection team's duties that have been certified by the Technical Secretariat in accordance with agreed procedures. Such equipment may also refer to the administrative supplies or recording materials that would be used by the inspection team.

"Facility Agreement" means an agreement between a State Party and the Organization relating to a specific facility subject to routine inspection.

"Inspection Mandate" means the instructions issued by the Director-General of the Technical Secretariat to the inspection team for the conduct of a particular inspection.

II. DESIGNATION OF INSPECTORS AND INSPECTION ASSISTANTS

1. Not later than ... days after entry into force of the Convention the Technical Secretariat shall communicate, in writing, to all States Parties the names, nationality and ranks of the Inspectors and inspection assistants proposed for designation. 1/ Furthermore, it shall furnish a description of their qualifications and professional experience.

2. Each State Party shall immediately acknowledge receipt of the list of Inspectors and inspection assistants, proposed for designation communicated to it. Any Inspector and inspection assistant included in this list shall be regarded as designated unless a State Party, within [30] days 2/ after acknowledgement of receipt of the list declares its non-acceptance.

In the case of non-acceptance, the proposed Inspector or inspection assistant shall not undertake or participate in verification activities within the State Party which has declared his non-acceptance. The Director-General shall, as necessary, submit further proposals in addition to the original list.

3. Verification activities under the Convention shall only be performed by designated Inspectors and inspection assistants.

4. Subject to the provisions of paragraph 5 below a State Party has the right at any time, to object to an Inspector or inspection assistant who may have been already designated in accordance with the procedures in paragraph 1 above.

It shall notify the Technical Secretariat of its objections [and include the reason for the objection.] Such objections shall come into effect 30 days after receipt by the Technical Secretariat. The Technical Secretariat shall immediately inform the State Party concerned of the withdrawal of the designation of the Inspector or inspection assistant.

1/ It has been suggested that, in order to facilitate early implementation of the verification activities, States might, upon signature or thereafter before the entry into force, make declarations concerning the number and types of facilities which shall be subject to verification. The Preparatory Commission, on the basis of these declarations, might initiate the designation and clearance process.

2/ The time period should not be longer than 30 days. Otherwise the obligation to make declarations within 30 days after entry into force and immediately thereafter provide access for inspection cannot be met.

5. A State Party that has been notified of an inspection shall not seek to have removed from the inspection team for that inspection any of the designated inspectors or inspection assistants named in the inspection team list. 1/

6. The number of Inspectors and inspection assistants accepted by and designated to a State Party must be sufficient to allow for availability and rotation of appropriate numbers of Inspectors and inspection assistants.

7. If, in the opinion of the Director-General the non-acceptance of proposed Inspectors or inspection assistants impedes the designation of a sufficient number of Inspectors or inspection assistants or otherwise hampers the effective fulfilment of the task of the Inspectorate, the Director-General shall refer the issue to the Executive Council.

8. Whenever amendments to the above-mentioned lists of Inspectors and inspection assistants are necessary or requested, replacement Inspectors and inspection assistants shall be designated in the same manner as set forth with respect of the initial list.

9. The members of the inspection team carrying out an inspection of a facility of a State Party located in the territory of another State Party shall be designated in accordance with the procedures set out in this Protocol both to the inspected State Party and the host State.

III. PRIVILEGES AND IMMUNITIES 2/

1. Each State party shall, within [30] days 3/ after acknowledgement of receipt of the list of Inspectors and inspection assistants or of changes thereto and for the purpose of carrying out inspection activities, provide for multiple entry/exit and/or transit visas and other such documens which each Inspector or inspection assistant may need to enter and to remain on the territory of that State Party. These documents shall be valid for at least 24 months from the date of their provision to the Technical Secretariat.

1/ A view was expressed that new information on the bona fide of designated inspectors could be a reason for objecting to their being included in the inspection team.

2/ Some delegations expressed the view that this section required further consideration. A view was expressed that Article VI ("Experts on mission for the United Nations") of the Convention on the Privileges and Immunities of the United Nations should be taken into account in this later consideration.

3/ The time period should not be longer than 30 days. Otherwise the obligation to make declarations within 30 days after entry into force and immediately thereafter provide access for inspection cannot be met.

2. To exercise their functions effectively, Inspectors and inspection assistants shall be accorded privileges and immunities as set forth in paragraph (i) through (ix). Privileges and immunities shall be granted to members of the inspection team for the sake of the Convention and not for the personal benefit of the individuals themselves. Privileges and immunities shall be accorded for the period of transit through non-inspected States Parties, for the entire in-country period, and thereafter with respect to acts previously performed in the exercise of official functions as Inspector or inspection assistant. [1]

(i) The members of the inspection team shall be accorded the inviolability enjoyed by diplomatic agents pursuant to Article 29 of the Vienna Convention on Diplomatic Relations of 18 April 1961.

(ii) The living quarters and office premises occupied by the inspection team carrying out inspection activities pursuant to the Convention shall be accorded the inviolability and protection accorded the premises of diplomatic agents pursuant to Article 30 of the Vienna Convention on Diplomatic Relations.

(iii) The records of the inspection team shall enjoy the inviolability accorded to all papers and correspondence of diplomatic agents pursuant to Article 30 of the Vienna Convention on Diplomatic Relations. The inspection team shall have the right to use codes for their communications with the Technical Secretariat.

(iv) Samples and approved equipment carried by members of the inspection team shall be inviolable subject to provisions contained in the Convention and exempt from all customs duties. Hazardous samples shall be transported in accordance with relevant transport regulations.

(v) The members of the inspection team shall be accorded the immunities accorded diplomatic agents pursuant to paragraphs 1, 2 and 3 of Article 31 of the Vienna Convention on Diplomatic Relations.

(vi) The members of the inspection team carrying out their prescribed activities pursuant to the Convention shall be accorded the exemption from dues and taxes accorded to diplomatic agents pursuant to Article 34 of the Vienna Convention on Diplomatic Relations.

(vii) The members of the inspection team shall be permitted to bring into the territory of the inspected State Party or host State, without payment of any customs duties or related charges, articles for personal use, with the exception of articles the import or export of which is prohibited by law or controlled by quarantine regulations.

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[1] The rights and privileges of the Inspectors and inspection assistants during transportation over and through non-States Parties needs further consideration.

(viii) The members of the inspection team shall be accorded the same currency and exchange facilities as are accorded to representatives of foreign Governments on temporary official missions.

(ix) The members of the inspection team shall not engage in any professional or commercial activity for personal profit on the territory of the inspected State Party or that of the host State.

3. Without prejudice to their privileges and immunities the members of the inspection team shall be obliged to respect the laws and regulations of the inspected State Party or host State and, to the extent that is consistent with the inspection mandate, shall be obliged not to interfere in the internal affairs of that State.

If the inspected party or host State Party considers that there has been an abuse of privileges and immunities specified in this Protocol, consultations shall be held between the Party and the Director-General of the Technical Secretariat to determine whether such an abuse has occurred and, if so determined, to prevent a repetition of such an abuse.

The immunity from jurisdiction of members of the inspection team may be waived by the Director-General of the Technical Secretariat in those cases when it is of the opinion that immunity would impede the course of justice and that it can be waived without prejudice to the implementation of the provisions of the Convention. Waiver must always be express.

[4. If at any time, a member of the inspection team is on the territory of the inspected State Party or host State and is suspected or accused of violating a law or regulation, consultations shall be held between the State concerned and the inspection team chief to determine whether such an abuse has occurred, and if so determined, to prevent a repetition of such an abuse. If requested by the inspected State Party or host State, the Director-General of the Technical Secretariat shall remove that individual from the country. If the inspection team chief is the individual suspected or accused, the inspected State Party shall have the right to communicate with the Director-General of the Technical Secretariat and request their removal and replacement. The deputy team chief shall assume the duty of team chief until the Technical Secretariat has acted on the inspected State Party's request.]

[5. If the inspected State Party so decides, Inspectors and inspection assistants monitoring destruction of chemical weapons during the active phase of destruction pursuant to article IV and its annex shall only be allowed to travel 1/ up to (...) kilometres from the inspection site with the permission of the in-country escort, and as considered necessary by the inspected State Party shall be accompanied by the in-country escort. Such travel shall be taken solely as leisure activity. 2/]

1/ It is understood that "travel" does not imply the right of access to areas restricted for security reasons or to private property.

2/ Further study on the rights of members of an inspection team to communicate with the embassy of their respective nationality is necessary.

IV. STANDING ARRANGEMENTS

A. Points of entry

1. Each State Party shall designate the points of entry and shall supply the required information to the Technical Secretariat not later than 30 days after the Convention enters into force. 1/ These points of entry shall be such that the inspection team can reach any inspection site from at least one point of entry within [12] hours. Locations of points of entry shall be provided to all States Parties by the Technical Secretariat.

2. Each State Party may change the points of entry by giving notice of such change to the Technical Secretariat. Changes shall become effective ... days after the Technical Secretariat receives such notification to allow appropriate notification to all States Parties.

3. If the Technical Secretariat considers that there are insufficient points of entry for the timely conduct of inspections or that changes to the points of entry proposed by a State Party would hamper such timely conduct of inspections, it shall enter into consultations with the State Party concerned to resolve the problem.

4. In cases where facilities of an inspected State Party are located in the territory of another State Party or where the access from the point of entry to the facilities subject to inspection requires transit through the territory of another State, inspections shall be carried out in accordance with this Protocol.

States Parties on whose territory facilities of other States Parties subject to inspection are located shall facilitate the inspection of those facilities and shall provide for the necessary support to enable the inspection team to carry out its tasks in a timely and effective manner.

5. In cases where facilities of an inspected State Party are located in the territory of a non-State Party the State Party subject to inspection shall ensure that inspections of those facilities can be carried out in accordance with the provisions of this Protocol. A State Party that has one or more facilities on the territory of a non-State Party shall ensure acceptance by the host State of inspectors and inspection assistants designated to that State Party.

1/ In order to ensure that the process of designation of Inspectors and inspection assistants, as well as of points of entry (and departure) function smoothly as from the date of entry into force of the Convention, the idea of the signatories indicating advance acceptance on the basis of a preliminary list drawn up by the Preparatory Commission should be considered.

B. Arrangements for use of unscheduled aircraft

1. For inspections pursuant to Article IX and for other inspections where timely travel is not feasible using scheduled commercial transport, an inspection team may need to utilize aircraft owned or chartered by the Technical Secretariat. Within 30 days after entry into force of the Convention, each State Party shall inform the Technical Secretariat of the standing diplomatic clearance number for non-scheduled aircraft transporting inspection teams and equipment necessary for inspection into and out of the territory in which an inspection site is located. Aircraft routings to and from the designated point of entry shall be along established international airways that are agreed upon between the States Parties and the Technical Secretariat as the basis for such diplomatic clearance.

2. When a non-scheduled aircraft is used, the Technical Secretariat shall provide the inspected State Party with a flight plan, through the National Authority, for the aircraft's flight from the last airfield prior to entering the airspace of the State in which the inspection site is located to the point of entry, no less than [6] hours before the scheduled departure time from that airfield. Such a plan shall be filed in accordance with the procedures of the International Civil Aviation Organization applicable to civil aircraft. For its owned or chartered flights, the Technical Secretariat shall include in the remarks section of each flight plan the standing diplomatic clearance number and the notation: "Inspection aircraft. Priority clearance processing required."

3. No less than [3] hours prior to the scheduled departure of the inspection team from the last airfield prior to entering the airspace of the country in which the inspection is to take place, the inspected State Party [or host State Party] shall ensure that the flight plan filed in accordance with paragraph 2 of this section is approved so that the inspection team may arrive at the point of entry by the estimated arrival time.

4. The inspected State Party shall provide parking, security protection, servicing and fuel as required for the aircraft of the inspection team at the point of entry when such aircraft is owned or under charter to the Technical Secretariat. Such aircraft shall not be liable for landing fees, departure tax, and similar charges. The Technical Secretariat shall bear the cost of such fuel, [security] and servicing. 1/

C. Administrative arrangements

The inspected State Party shall provide or arrange for the amenities necessary for the inspection team such as communication means, interpretation services to the extent necessary for the performance of interviewing and other

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1/ The Technical Secretariat will need to negotiate arrangements for costs of such services.

tasks, transportation, working space, lodging, meals and medical care of the inspection team. In this regard, the inspected State Party shall be reimbursed by the Organization for such costs incurred by the inspection team (details to be developed).

D. Approved equipment

1. Subject to paragraph 3 of this section there shall be no restriction by the inspected State Party on the inspection team bringing on to the inspection site such approved equipment which the Technical Secretariat [and the States Parties] [has] [have] determined to be necessary to fulfil the inspection requirements. 1/

[This includes, *inter alia*, equipment for discovering and preserving evidence related to the compliance with the Convention, temporary and permanent monitoring equipment and seals for emplacement, equipment for discovering and preserving information, equipment for recording and documenting the inspection, as well as for communication 2/ with the Technical Secretariat and for determining that the inspection team has been brought to the site for which the inspection has been requested.] The Technical Secretariat shall to the extent possible prepare and, as appropriate, update a list of approved equipment, which may be needed for the purposes described above, and regulations governing such equipment which shall be in accordance with this Protocol. In establishing the list of approved equipment and these regulations, the Technical Secretariat should ensure that safety considerations for all the types of facilities at which such equipment is likely to be used, are taken fully into account. 3/ 4/

2. The equipment shall be in the custody of the Technical Secretariat and be designated, calibrated and approved by the Technical Secretariat. The Technical Secretariat shall, to the extent possible, select that equipment

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1/ A view was expressed that further consideration should be given to the conclusion of bilateral agreements between the Technical Secretariat and the States Parties on the instruments and devices to be used in the inspections in order to guarantee that they are reliable and applicable.

2/ The issue of communications requires further consideration.

3/ Further consideration needs to be given to when and how such equipment will be agreed and to what extent it will need to be specified in the Convention.

4/ The relationship between equipment for routine inspections and challenge inspections and provisions for their respective uses will need to be considered.

which is specifically designed for the specific kind of inspection required. Designated and approved equipment shall be specifically protected against unauthorized alteration. [The Technical Secretariat shall certify that the equipment meets agreed standards.]

3. The inspected State Party shall have the right, without prejudice to the prescribed time frames to inspect the equipment in the presence of inspection team members at the point of entry, i.e., to check the identity of the equipment brought in or removed from the territory of the inspected State Party or host State. To facilitate such identification, the Technical Secretariat shall attach documents and devices to authenticate its designation and approval of the equipment. The inspection of the equipment shall also ascertain to the satisfaction of the inspected State Party that the equipment meets the description of the approved equipment for the particular type of inspection. The inspected State Party may exclude equipment not meeting that description or equipment without the above-mentioned authentication documents and devices. [Excluded equipment shall be kept at the point of entry until the inspection team leaves the respective State. Storage of the inspection team's equipment and supplies at the point of entry shall be in tamper-indicating containers provided by the inspection team within a secure facility provided by the inspected State Party. Access to each secure facility shall be controlled by a "dual key" system requiring the presence of both the inspected party and representative of the inspection team to gain access to the equipment and supplies. The Technical Secretariat may allow a State Party to maintain equipment storage as described here in lieu of bringing it in for each inspection in accordance with the agreement between the State Party concerned and the Technical Secretariat.]

4. In cases where the inspection team finds it necessary to use equipment available on site not belonging to the Technical Secretariat and requests the inspected State Party to enable the team to use such equipment, the inspected State Party shall comply with the request to the extent it can. 1/

V. PRE-INSPECTION ACTIVITIES

A. Notification

1. The Director-General of the Technical Secretariat shall notify the State Party prior to the planned arrival of the inspection team at the point of entry and within the prescribed time frames where specified of its intention to carry out an inspection.

1/ A view was expressed that the possibility of agreed procedures should be considered in this regard.

2. Notifications made by the Director-General of the Technical Secretariat shall include the following information:

- the type of inspection;
- the point of entry; 1/
- the date and estimated time of arrival at the point of entry;
- the means of arrival at the point of entry;
- [the site to be inspected];
- the names of Inspectors and inspection assistants;
- if appropriate, aircraft clearance of special flights;
- the names of the observer[s] of the requesting State Party in the case of a challenge inspection.

[The inspection site shall be specified by the chief of the inspection team at the point of entry not later than 24 hours after the arrival of the inspection team.]

3. The inspected State Party shall within [one] hour acknowledge the receipt of a notification by the Technical Secretariat of an intention to conduct an inspection.

4. In the case of an inspection of a facility of a State Party located in the territory of another State Party both States Parties shall be simultaneously notified in accordance with paragraphs 1, 2, 3 of this section.

B. Entry into the territory of the inspected State Party or host State and transfer to the inspection site

1. The State Party [or host State Party] which has been notified of the arrival of an inspection team, shall ensure its immediate entry into the territory and shall through an in-country escort [if such an escort is requested] do everything in its power to ensure the safe conduct of the inspection team and its equipment and supplies, from its point of entry to the inspection site(s) and to its point of exit.

1/ A view was expressed that for routine inspections it could be agreed in the facility agreement that notification of the point of entry would not be needed.

2. In accordance with paragraphs 4 and 5 of Section IV A. above, the inspected State Party [or host State Party] shall ensure that the inspection team is able to reach the inspection site within [12] 1/ hours from the arrival at the point of entry or, if appropriate, from the time the inspection site is specified at the point of entry. 2/

C. Pre-inspection briefing

Upon arrival at the inspection site and prior to the commencement of the inspection, the inspection team shall be briefed, with the aid of maps and other documentation as appropriate, by facility representatives on the facility, the activities carried out there, safety measures and administrative and logistic arrangements necessary for the inspection. The time spent for the briefing shall be limited to the minimum necessary and in any event not exceeding three hours.

VI. CONDUCT OF INSPECTIONS

A. General rules

1. The members of the inspection team shall discharge their functions in accordance with the articles and annexes of the Convention, this Protocol as well as rules established by the Director-General of the Technical Secretariat and facility agreements between States Parties and the Organization. 3/ 4/

1/ Further study is required on whether a longer or shorter time period is feasible.

2/ The view was expressed that because the specific point of entry utilized as well as the time of arrival would be selected by the Technical Secretariat and to avoid prematurely revealing the site during some types of inspections the closest point of entry may not be chosen, the inspected State Party could not be held responsible for ensuring that the inspection team reaches the site within a specified time frame, although it should undertake to avoid the use of delaying tactics.

3/ A detailed manual of technical procedures should be prepared for the guidance of teams conducting challenge inspections and for the inspected State Party to know what the rights, obligations and constraints of the inspectors, escorts and inspected State Party are. A view was expressed that the manual should, *inter alia*, give guidance to the inspection team on the specific types of information a team should seek to establish the facts in particular situations.

4/ A view was expressed that an Inspector or inspection assistant shall be considered to have assumed his inspection duties on departure from his primary work location, on Technical Secretariat arranged transportation, and shall be considered to have ceased performing those duties when he has returned to his primary work location and on termination of Technical Secretariat provided transportation.

2. The inspection team dispatched shall strictly observe the inspection mandate issued by the Director-General of the Technical Secretariat. 1/ It shall refrain from activities going beyond this mandate. 2/ 3/

3. The activities of the inspection team shall be so arranged as to ensure on the one hand the timely and effective discharge of the inspector's functions and, on the other, the least possible inconvenience to the State concerned and disturbance to the facility or other location inspected. The inspection team shall avoid unnecessarily hampering or delaying the operation of a facility and avoid affecting its safety. In particular, the inspection team shall not operate any facility.

If inspectors consider that, to fulfil their mandate, particular operations should be carried out in a facility, they shall request the designated representative of the management of the facility to have them performed. The representative shall carry out the request to the extent possible.

4. In the performance of their duties on the territory of an inspected State Party, the members of the inspection team shall, if the inspected State Party so requests, be accompanied by representatives of this State, but the inspection team must not thereby be delayed or otherwise hindered in the excercise of its functions. 4/

1/ The use of the terms "Technical Secretariat" and "Director-General of the Technical Secretariat" needs to be reviewed throughout the Convention.

2/ A view was expressed that for challenge inspections the inspection mandate would have to be flexible enough for the inspection team to tailor the inspection to the conditions they meet on the site.

3/ The question of what actions shall be taken in case an inspector or an inspection assistant goes beyond the mandate should be further considered.

4/ The right of host State representatives need to be further considered.

5. [At least two Inspectors on each team must speak the language of the Convention which the inspected Party has agreed to work in. 1/ 2/ Each inspection team shall operate under the direction of a team leader and deputy team leader designated by the Director-General of the Technical Secretariat.] Upon arrival at the inspection site, the inspection team may divide itself into subgroups consisting of no fewer than two Inspectors each.

B. Safety

In carrying out their activities, Inspectors and inspection assistants shall observe safety regulations established at the inspection site, 3/ including those for the protection of controlled environments within a facility and for personal safety. Individual protective clothing and approved equipment, duly certified, shall normally be provided by the Technical Secretariat. 4/ 5/

C. Communications

Inspectors shall have the right throughout the in-country period to communications with the Headquarters of the Technical Secretariat. For this purpose they [may use their own, duly certified, approved equipment and/or] may request that the inspected State Party or host State Party provide them with access to other telecommunications. 6/ The inspection team shall have

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1/ Consideration should be given to include provision in the Convention for the selection by States Parties of what language of the Convention they will operate in for the conduct of inspections and submission of reports to the Technical Secretariat.

2/ The Technical Secretariat should also make arrangements for interpreters for national languages of States Parties, to the extent possible, to facilitate inspections.

3/ Consideration will need to be given with regard to those areas which for safety reasons preclude or limit the entrance of personnel (e.g. unexploded munitions, hazardous areas of destruction facilities).

4/ Agreements between the Technical Secretariat and States Parties should specify that all protective clothing and equipment meet pre-agreed safety standards or a State Party may require the team to use the clothing and equipment of the Party.

5/ For safety reasons, the inspected State Party should have the right to provide appropriate alternative equipment and protective clothing of its own for the inspection team, provided this does not hinder the conduct of the inspection.

6/ The issue of communications requires further consideration.

the right to use its own 1/ two-way system of radio communications between personnel patrolling the perimeter and other members of the inspection team. [Communication systems should conform to power and frequency instructions established by the Technical Secretariat.]

D. Inspection team and inspected State Party rights

1. The inspection team shall, in accordance with the relevant articles and annexes of this Convention as well as with facility agreements, have the right to unimpeded access to the inspection site. The items to be inspected will be chosen by the inspectors.

2. Inspectors shall have the right to interview any facility personnel in the presence of representatives of the inspected State Party with the purpose of establishing relevant facts. Inspectors shall only request information and data which are necessary to the conduct of the inspection, and the inspected State Party shall furnish such information upon request. The inspected State Party shall have the right to object to questions posed to the facility personnel if those questions are deemed not relevant to the inspection. If the inspection team chief objects and states their relevance, the questions shall be provided in writing to the Inspected Party for reply. The inspection team may note any refusal to permit interviews or to allow questions to be answered and any explanations given, in that part of the Inspection Report that deals with the cooperation of the Inspected State Party.

3. Inspectors shall have the right to inspect documentation and records they deem relevant to the conduct of their mission.

4. Inspectors shall have the right to have photographs taken at their request by representatives of the inspected State Party. The capability to take instant development photographic prints shall be available.

[If requested by the inspection team, such photographs should show the size of an object by placing a measuring scale, provided by the inspection team, alongside that object during the photographing.] The inspection team should determine whether photographs conform to those requested, and if not, repeat photographs should be taken. The inspection team and the inspected State Party should each retain one copy of every photograph.

1/ For safety reasons, the inspected State Party should have the right to provide appropriate alternative equipment and protective clothing of its own for the inspection team, provided this does not hinder the conduct of the inspection.

5. The inspected State Party shall have the right to accompany the inspection team at all times during the inspection and observe all their verification activities.

6. The inspected State Party shall receive copies, at its request, of the information and data gathered about its facility(ies) by the Technical Secretariat.

7. Inspectors shall have the right to request clarifications in connection with ambiguities that arise during an inspection. Such requests shall be made promptly through the representative of the inspected State Party. The representative of the inspected State Party shall provide the inspection team, during the inspection, with such clarifications as may be necessary to remove the ambiguity. In the event questions relating to an object or a building located within the inspection site are not resolved, the object or building shall be photographed for the purpose of clarifying its nature and function. If the ambiguity cannot be removed during the inspection, the Inspectors shall notify the Technical Secretariat immediately. The Inspectors shall include any such unresolved question, relevant clarifications and a copy of any photographs taken in the inspection report.

E. Collection, handling and analysis of samples

1. Except as provided for in parts III and IV of this Protocol representatives of the inspected State Party or of the inspected facility shall take samples at the request of the inspection team in the presence of inspectors. If so agreed in advance with the representatives of the inspected State Party or of the inspected facility the inspection team may take samples themselves.

2. Where possible, the analysis of samples shall be performed on-site. The inspection team shall have the right to perform on-site analysis of sample using approved equipment brought by them. At the request of the Inspection Team, the inspected State Party shall, in accordance with agreed procedures, provide assistance for the analysis of samples on-site.

Alternatively, the Inspection Team may request that appropriate analysis on-site be performed in their presence.

3. The inspected State Party has the right to retain portions of all samples taken or take duplicate samples and be present when samples are analysed on-site.

4. The inspection team shall, if they deem it necessary, transfer samples for analysis off-site at laboratories designated by the Organization. 1/ 2/ 3/

5. The Director-General of the Technical Secretariat shall have the primary responsibility for the security, integrity and preservation of samples and for ensuring that the confidentiality of samples transferred for analysis off-site is protected. He shall

(i) establish a stringent régime governing the collection, handling, transport and analysis of samples;

(ii) certify the laboratories designated to perform different types of analysis;

(iii) oversee the standardization of equipment and procedures at these designated laboratories and mobile analytical equipment and procedures, and monitor quality control and overall standards in relation to the certification of these laboratories and mobile equipment/procedures; and

(iv) select from among the designated laboratories those which shall perform analytical or other functions in relation to specific investigations.

6. When off-site analysis is to be performed samples shall be analysed in at least two designated laboratories. The Technical Secretariat shall ensure the expeditious processing of the analysis. The samples shall be accounted for by the Technical Secretariat and any unused samples 4/ or portions thereof shall be returned to the Technical Secretariat.

1/ The designation of the organ of the Organization that will be entrusted with this task will be considered further and specified in the text.

2/ In cases of off-site analysis, the question should be further disc ssed of documentation that should be provided by the Technical Secretariat to the inspected facilities (inspected State Party) concerning the acknowledgement of receipt of the samples at the designated laboratories, possible transfer as well as final destination (retention, return or destruction) of the unused samples or portions thereof.

3/ Transportation of toxic samples and existing international transportation regulations will need to be addressed.

4/ Consideraton should be given to the retention of unused samples taken during challenge inspection for which the findings were inconclusive.

7. The Technical Secretariat shall compile the results of the laboratory analysis of samples and include them in the final inspection report. The Technical Secretariat shall include in the report detailed information concerning the equipment and methodology employed by the designated laboratories.

F. Extension of inspection duration

[Periods of inspection may be extended by agreement with the in-country escort, by no more than (xx hours).] 1/

G. Debriefing

1. Upon completion of an inspection the inspection team shall meet with representatives of the inspected State Party and the personnel responsible for the inspection site to review the preliminary findings of the inspection team and to clarify any ambiguities. The inspection team shall provide to the representatives of the inspected State Party its preliminary findings in written form according to a standardized format together with a list of any samples and copies of written information and data gathered and other material to be taken off site. 2/ The document shall be signed by the head of the inspection team. In order to indicate that he has taken notice of the contents of the document the representative of the inspected State Party shall countersign the document. This meeting shall be completed within [4] [24] hours of the completion of the inspection.

VII. DEPARTURE

[In the case of inspections conducted pursuant to articles IV, V, VI and IX, upon completion of the post-inspection procedures, the inspection team shall return promptly to the point of entry at which it entered the inspected State and it shall then leave, within 24 hours, the territory of that State.] 3/

1/ The view was expressed that, as no fixed period was foreseen for routine inspections, this paragraph might be superfluous. The view was also expressed that for some kinds of routine inspections there cannot be any time-limit without changing the substance of agreed provisions of articles IV and V and their annexes.

2/ A view was expressed that for routine inspection the question of off-site transfer of "copies of written information and data gathered and other material" needs further examination, in particular as regards the confidentiality aspect.

3/ The view was expressed that this paragraph could not apply to routine inspections.

VIII. REPORTS

1. Within [10] days after the inspection, Inspectors shall prepare a final report 1/ on the activities conducted by them and on their findings. The report shall be factual in nature. It shall only contain facts relevant to compliance with the Convention, as provided for under the inspection mandate. The report shall also provide information as to the manner in which the State Party inspected cooperated with the inspection team. Differing observations 2/ held by Inspectors may be attached to the report. The report shall be kept confidential.

2. The final report shall immediately be submitted to the inspected State Party. Any written comments, which the inspected State Party may immediately make on its findings shall be annexed to it. The final report together with annexed comments made by the inspected State Party shall be submitted to the Director-General of the Technical Secretariat not later than [30] days after the inspection.

3. Should the report contain uncertainties, or should cooperation between the National Authority and the Inspectors not measure up to the standards required, the Director-General of the Technical Secretariat shall approach the State Party for clarification.

4. If the uncertainties cannot be removed or the facts established are of a nature to suggest that obligations undertaken under the Convention have not been met, the Director-General of the Technical Secretariat shall inform the Executive Council without delay.

1/ Further consideration needs to be given on when and how the receiving State/facility will be able to comment on the contents of the report.

2/ It is understood that it is not up to the inspection team to draw conclusions with regard to compliance of a State Party from the facts established during an inspection.

PART II: ROUTINE INSPECTIONS PURSUANT TO ARTICLES IV, V AND VI

I. INITIAL INSPECTIONS AND FACILITY AGREEMENTS

1. Each facility declared and subject to on-site inspection pursuant to Articles IV, V and the Annexes 1 and 2 of Article VI shall be liable to receive an initial inspection from the inspectors promptly after the facility is declared. The purpose of the initial inspection of the facility shall be to verify information provided and to obtain any additional information needed for planning future verification activities at the facilities, including on-site inspections and the use of continuous on-site instruments and to work on the facility agreements. 1/ 2/ 3/

2. States Parties shall ensure that the verification of declarations and the initiation of the systematic monitoring can be accomplished by the Technical Secretariat at all facilities within the agreed time frames after the Convention enters into force. 4/

3. Each State Party shall conclude a facility agreement with the Organization for each facility declared and subject to on-site inspection pursuant to Articles IV, V and the Annexes 1 and 2 of Article VI. These agreements shall be completed within ... months after the Convention enters into force for the State or after the facility has been declared for the first time. They shall be based on models for such agreements and provide for detailed arrangements which shall govern inspections at each facility. 5/ 6/ The Model Agreement shall include provisions to take into account future technological developments.

1/ The consistency of this provision with all verification provisions in the Convention needs further consideration.

2/ A view was expressed that initial inspections should be carried out in accordance with the guidelines for such inspections.

3/ A view was expressed that the rules governing the conduct of inspectors in performing the initial inspection need to be discussed and further elaborated.

4/ Procedures to ensure the implementation of the verification scheme within designated time frames are to be developed.

5/ A view was expressed that the areas to which inspectors have access at the inspected facility shall be clearly defined in the facility agreement.

6/ It was suggested that with respect to Article VI verification a step-by-step approach should be introduced where appropriate.

4. The Technical Secretariat may retain at each site a sealed container for photographs, plans and other information that it may wish to refer to in the course of subsequent inspections.

II. SIZE OF THE INSPECTION TEAM

[An inspection team conducting routine inspections pursuant to Articles IV, V and VI shall include no more than (xx) Inspectors and (xx) inspection assistants.] 1/

III. STANDING ARRANGEMENTS

A. Continuous Monitoring by Instruments

1. Where applicable, the Technical Secretariat shall have the right to install and use continuous monitoring instruments and systems and seals in conformity with the relevant provisions in the Convention and the facility agreements between States Parties and the Technical Secretariat. Such installation shall take place in the presence of the representatives of the inspected State Party.

2. The inspected State Party shall, in accordance with agreed procedures, have the right to inspect any instrument used or installed by the Inspection Team and to have it tested in the presence of representatives of the inspected State Party.

3. Continuous monitoring systems consisting of, *inter alia*, sensors, ancillary equipment and transmission systems shall be specified in the facility agreements. They shall incorporate, *inter alia*, tamper-indicating and tamper-resistant devices as well as data protection and data authentication features. The agreed types of these instruments shall be specified in the Model Agreement.

4. The Technical Secretariat shall have the right to carry out necessary engineering surveys, construction, emplacement, maintenance, repair, replacement and removal of continuous monitoring instruments and systems and seals.

5. The inspected State Party shall provide the necessary preparation and support for the establishment of continuous monitoring instruments and systems and, to this end, shall, at the request of and at the expense of the Technical Secretariat provide:

1/ The view was expressed that routine inspection effort expressed in inspection man-days should be agreed between the inspected State Party and the Technical Secretariat and not be provided for in the Convention.

(i) All necessary utilities for the construction and operation of the monitoring instruments and systems, such as electrical power and heating;

(ii) Basic construction materials;

(iii) Any site preparation necessary to accommodate the installation of continuously operating systems for monitoring;

(iv) Transportation for necessary installation tools, materials and equipment from the point of entry to the inspection site.

6. Every continuous monitoring system shall have such abilities and be installed, adjusted or directed in such a way as to correspond strictly and efficiently to [the sole purpose of detecting prohibited or unauthorized activities] [the purpose of detecting prohibited or confirming permitted activities]. The coverage of the system shall be limited accordingly. The monitoring system shall signal the Technical Secretariat if any tampering with its components or interference with its functioning occurs. Redundancy shall be built into the monitoring system to ensure that failure of an individual component will not jeopardize the monitoring capability of the system.

7. When the monitoring system is activated, Inspectors shall verify the accuracy of inventories at each chemical weapons storage and production facility, as required.

8. Data to be transmitted from a facility to the Technical Secretariat shall be transmitted by means to be determined. Where necessary, the transmission system will incorporate frequent transmissions from the facility and a query and response system between the facility and the Technical Secretariat. Inspectors shall periodically check the proper functioning of the monitoring system.

9. Seals placed by inspectors and monitoring devices shall only be removed in the presence of inspectors. If an extraordinary event requires the opening of a seal, or the removal of a monitoring device when an inspector is not present, the State Party shall immediately notify the Technical Secretariat. Inspectors shall as soon as possible check that no prohibited or unauthorized activities have occurred at the facilities and replace the seal or monitoring device.

10. The State Party shall immediately notify the Technical Secretariat if an event at a facility subject to systematic international monitoring occurs, or may occur, which may have an impact on the monitoring system. The State Party shall coordinate subsequent actions with the Technical Secretariat with a view to restoring the operation of the monitoring system and establishing interim measures, if necessary, as soon as possible.

B. Inspection activities relating to continuous monitoring by instruments

1. The inspection team shall verify during each inspection that the monitoring system functions correctly and that emplaced seals have not been tampered with. In addition, visits to service the monitoring system may be required to perform any necessary maintenance or replacement of equipment, or to adjust the coverage of the monitoring system as required.

2. In the event that the monitoring system indicated any anomaly, the Technical Secretariat shall immediately take action to determine whether this resulted from equipment malfunction or activities at the facility. If, after this examination the problem remained unresolved, the Technical Secretariat shall immediately ascertain the actual situation, including through immediate on-site inspection of, or visit to, the facility if necessary. The Technical Secretariat shall report any such problem immediately after its detection to the State Party who shall assist in its resolution. 1/

IV. PRE-INSPECTION ACTIVITIES

1. Routine inspections shall be notified [12] [24] [36] [48] 2/ hours in advance of the planned arrival of the inspection team [at the point of entry] [at the inspection site].

2. Initial inspections shall be notified no less than 72 hours in advance of the estimated time of arrival of the inspection team at the point of entry. Such notifications shall in addition to the information specified in part I, section V A, paragraph 2 also include the specification of the inspection site.

V. DEPARTURE

[In the case of routine inspections pursuant to Articles IV, V and VI, if the inspectors intend to conduct another inspection within the same inspected State Party or host State the inspection team shall return to the point of entry which it used to enter the State and await notification by the Technical Secretariat to the inspected State Party of the next inspection.]

1/ The issue of anomalies and irregularities requires further discussion with regard to the consistent usage of terms throughout the Convention and, on a more general level, to the way the underlying concept is to be treated in the Convention.

2/ Consideration needs to be given to balance the time required for logistical purposes and the amount of advance warning given to a Party of a pending inspection.

PART III: CHALLENGE INSPECTIONS CONDUCTED PURSUANT TO ARTICLE IX

I. DESIGNATION AND SELECTION OF INSPECTORS AND INSPECTION ASSISTANTS

1. Inspections under Article IX shall only be performed by Inspectors and inspection assistants especially designated for this function. In order to designate Inspectors and inspection assistants for inspections under Article IX, the Director-General of the Technical Secretariat shall, by selecting Inspectors and inspection assistants from among the full-time Inspectors and inspection assistants for routine inspection activities, establish a list of proposed Inspectors and inspection assistants. It shall comprise a sufficiently large number of Inspectors and inspection assistants having the necessary qualification, experience, skill and training, to allow for flexibility in the selection of the Inspectors, taking into account their availability and the need for rotation. The designation of Inspectors and inspection assistants shall follow the procedures provided for under Part I, Section II of this Protocol.

2. The Director-General shall select the members of an inspection team also taking into account the circumstances of a particular request. Each inspection team shall consist of not less than [five] inspectors and shall be kept to a minimum necessary for the proper execution of its task, taking into account, inter alia, the size and complexity of the site. No national of the requesting State Party, or the inspected State Party shall be a member of the inspection team.

II. PRE-INSPECTION ACTIVITIES

A. Notification

1. The request for a challenge inspection to be submitted to the Director-General of the Technical Secretariat shall contain at least the following information:

- the State Party to be inspected and, if applicable, the host State;
- the point of entry to be used;

[- the precise location of the inspection site and the type of site to be inspected;]

- the size of the inspection site;
- the [suspicion of non-compliance] [concern regarding compliance] with the Convention including a specification of the relevant provisions of the Convention about which [concerns] [doubts about compliance] have arisen and of the nature and circumstances of the suspected non-compliance;
- the name[s] of the observer[s] of the requesting State Party

The requesting State Party may submit any additional information it deems necessary.

2. The inspection site shall be designated by the requesting State Party as specifically as possible by providing a site diagram related to a reference point with geographic coordinates specified to the nearest second if possible. If possible, the requesting State Party shall also provide a map with a general indication of the inspection site and a diagram specifying precisely the boundaries of the site to be inspected.

3. The requested perimeter shall:

- Run at least a [...] metre distance outside any [structures] [buildings];

- Not cut through existing security enclosures;

- Run at least a [...] metre distance outside any existing security enclosures that the requesting State Party intends to include within the requested perimeter;

- Shall encompass no less than [...] square metres.

If the requested perimeter does not conform with the above specifications, it shall be redrawn by the inspection team so as to conform with the above provision.

4. The Director-General of the Technical Secretariat shall within [one] hour[s] acknowledge to the requesting State Party receipt of its request.

5. The Director-General shall [notify] [transmit the request as set out in paragraph A.1. immediately after its receipt to] the inspected State Party [not less than 12 hours prior to the planned arrival of the inspection team at the point of entry]. Contemporaneously, the members of the Executive Council [and all the other States Parties] shall be informed about the request:

(a) the name of the requesting State Party [and the name[s] of the observer[s] of the requesting State Party];

(b) the point of entry to be used;

[(c) the size of the inspection team; and

(d) relevant information regarding aircraft arrangements or other travel arrangements, if applicable.]

6. Within 24 hours after the arrival of the inspection team at the point of entry, the inspected State Party shall be informed:

- [by the requesting State Party of the location of the inspection site unless this information is already included in the request for a challenge inspection];

- by the inspection team of the inspection mandate [and of [suspicion of non-compliance] [concerns regarding compliance] with the Convention].

[Contemporaneously, the Executive Council shall be informed of the above information.]

B. Entry into the territory of the inspected State Party or host State

1. [If so decided by the Executive Council,] the Director-General of the Technical Secretariat shall dispatch an inspection team as soon as possible after a request is received by the Technical Secretariat. The inspection team shall arrive at the point of entry specified in the request [not later than [24] hours after the receipt of a request] [in the minimum time possible], consistent with the provisions of paragraph A.5. above of this Protocol.

2. If the requested perimeter is acceptable to the inspected State Party, it shall be designated as the final perimeter as early as possible but in no case later than [12] [60] [72] hours after [specification of the location of the inspection site] [the arrival of the inspection team at the point of entry]. The inspected State Party shall transport the inspection team to the final perimeter of the inspection site. Such transportation shall be accomplished as soon as practicable, and shall take [in any case no more than 12 hours] [normally no more than 24 hours] after agreement on the perimeter.

[3. For all declared facilities (Articles III, IV, V, and VI), the following procedures would apply:

- If the requested perimeter is contained within or conforms with the declared perimeter, the declared perimeter shall be considered the final perimeter, with one exception: if agreed by the inspected State Party, the final perimeter may be made smaller to conform with that requested by the requesting State Party.

- The inspected State Party shall transport the inspection team to the final perimeter as soon as practicable, [but in any case] [and normally] shall ensure their arrival at the perimeter no later than [12] [24] hours after [specification of the site by the requesting State Party] [the inspected State Party is informed of the inspection mandate].]

C. Alternative determination of final perimeter

1. At the point of entry, if the inspected State Party cannot accept the requested perimeter, it shall propose an alternative perimeter as soon as possible, but in any case no later than [12] [60] [72] hours after [specification of the location of the inspection site] [the arrival of the inspection team at the point of entry]. Differences shall be negotiated between the inspected State Party and the inspection team with the aim of reaching agreement on a final perimeter.

2. The alternative perimeter should be designated as specifically as possible in accordance with paragraph A.3. above.

It shall include the requested perimeter and should [as a rule] bear a close relationship to the latter, taking into account natural terrain features and man-made boundaries. It should [normally] run close to the surrounding security barrier if such a barrier exists. The inspected State Party could seek to establish a relationship between the perimeters by [one or more] [at least two] of the following means:

- An alternative perimeter that does not extend to an area [significantly] [more than 10 per cent] greater than that of the requested perimeter;

- An alternative perimeter that is [a short, uniform distance] [not more than 500 metres] from the requested perimeter;

- At least part of the requested perimeter is visible from the alternative perimeter.

3. If the alternative perimeter is acceptable to the inspection team, it shall become the final perimeter and the inspection team shall be transported from the point of entry to that perimeter as soon as possible, [but in any case] [and shall normally take] no longer than [12] [24] hours after acceptance.

4. If a final perimeter is not readily agreed, the perimeter negotiations at the point of entry shall be concluded as early as possible, but in no case shall they continue more than [12] [60] [72] hours after [specification of the site by the requesting State Party] [the arrival of the inspection team at the point of entry]. If no agreement is reached at the point of entry, the inspected State Party shall transport the inspection team to a location at the alternative perimeter as soon as practicable, [but in any case] [and normally] shall ensure their arrival at the location no later than [12] [24] hours after the expiration of the time period for the perimeter negotiations.

5. Once at the location, the inspected State Party shall provide the inspection team with prompt access to the alternative perimeter to facilitate negotiations and agreement on the final perimeter and access within the final perimeter.

6. If no agreement is reached within [48] [96] hours after the arrival of the inspection team at the location, [the alternative perimeter shall be designated the final perimeter].

D. Verification of location

To help establish that the site to which the inspection team has been transported corresponds to the site specified by the requesting State Party the inspection team shall have the right to use location-finding equipment and have such equipment and other approved equipment installed according to its directions. The inspection team may [verify their location by reference to] [also visit] local landmarks identified from maps. The inspected State Party shall assist them in this task.

E. [Securing the site] [Exit monitoring]

[1. No later than 24 hours after [specification of the location of the challenged site] [the arrival of the inspection team at the point of entry], the inspected State Party must identify all exit points for all land, air, and water vehicles from the requested perimeter and provide the inspection team with evidence of all vehicular exit activity from the requested perimeter. Such evidence must consist of at least one of the following, to be selected by the inspected State Party:

- Traffic logs;
- Photographs;
- Video recordings;
- Chemical evidence equipment provided by the inspection team to observe but not interfere with such exit activity;
- Allowing one or more members of the inspection team to observe but not interfere with such exit activity.]

2. Immediately upon the inspection team's arrival at the alternative perimeter or final perimeter, whichever occurs first, the inspection team may begin [securing the site] [exit monitoring using procedures agreed upon by the inspection team and the inspected State Party]. The inspection team shall have the right to [secure the inspection site] [exit monitoring] up to the completion of the inspection. [The activities for securing the site shall take place within a band around the outside of the perimeter, not to exceed 50 metres in width, measured outward.] [The inspection team shall be permitted to patrol the perimeter and station personnel at the exits.]

3. [Procedures for exit monitoring will include identification of vehicular exits and could include:

- Provisions for shrouding of equipment;
- Use of sensors;
- Random selective access;
- Sample analysis.]

[Personnel and vehicles entering and personnel and passenger vehicles exiting the site are not subject to inspection.] [No in or outgoing traffic by land, water or air should take place unless the inspection team is given the possibility to check the contents of this traffic.]

4. [The inspection team shall be able to secure the exterior of any building or structure within the perimeter.] [[Exit monitoring] [Securing the site] may not unreasonably hamper or delay the normal operation of the facility.]

F. Pre-inspection briefing and inspection plan

1. To facilitate development of an inspection plan, the inspected State Party shall provide a safety and logistical briefing to the inspection team prior to access.

2. The pre-inspection briefing shall be held in accordance with Part I, Section V. C. In the course of the pre-inspection briefing, the inspected State Party may indicate to the inspection team the equipment, documentation or areas it considers sensitive and not related to the purpose of the inspection. Additionally, personnel responsible for the site will brief the team on the physical layout and other relevant characteristics of the site; the team shall be provided with a map or sketch drawn to scale showing all the structures and significant geographic features at the site. The team shall also be briefed on availability of facility personnel and records.

3. After the pre-inspection briefing the inspection team shall prepare, on the basis of the information available and appropriate to it, an initial inspection plan which specifies the activities to be carried out by the inspection team, including the specific areas of the site to which access is desired. The plan shall also specify whether the inspection team will be divided into subgroups. The plan shall be made available to the representatives of the inspected State Party and the inspection site. Its implementation shall be consistent with the provisions of Section III below, including those related to access and activities.

G. Perimeter activities

1. At the [final] [final or alternative] perimeter [, whichever occurs first,] the inspection team shall have the right to commence immediately perimeter activities in accordance with the procedures set forth in this section, and to continue these activities until the completion of the inspection. [Subject to agreement of the inspected State Party, the inspection team may conduct perimeter activities at the alternative perimeter.]

2. In conducting the perimeter activities, the inspection team shall have the right to:

(a) conduct perimeter inspection using monitoring instruments (consistent with Part I, Section IV.D);

(b) take wipes, air, soil or effluent samples, and

(c) conduct any additional activities which may be agreed between the inspection team and the inspected State Party.

3. The perimeter activities of the inspection team may be conducted within a band around the outside of the perimeter up to 50 metres in width measured

outward from the perimeter. If the inspected State Party permits, the inspection team may also have access to any building or structure within the perimeter band. All directional monitoring shall be oriented inward. [For facilities declared under Articles III, IV, V and VI, at the discretion of the inspected State Party, the band could run inside, outside, or on both sides of the declared perimeter.]

III. CONDUCT OF INSPECTIONS

A. General rules

1. The inspected State Party shall provide access within the requested perimeter as soon as possible, but in any case no later than [72] [168] [192] hours after [specification of the location of the inspection site] [the arrival of the inspection team at the point of entry] in order to clarify the [suspicion of non-compliance] [concern regarding compliance] with the Convention raised in the inspection request.

[2. Subject to the provisions under section B. and this section the inspection team shall have the access to the site they deem necessary for the conduct of their mission.]

[3. Upon arrival at the final perimeter of facilities declared under Articles IV, V and VI, access shall be granted following the pre-inspection briefing and discussion of the inspection plan which shall be limited to the minimum necessary and, in any event shall not exceed three hours. For facilities declared under Article III, paragraph 1 (c) negotiations will be conducted and managed access commenced within 12 hours of arrival at the final perimeter.]

4. In carrying out the inspection in accordance with the request, the inspection team shall use only those methods necessary to provide sufficient relevant facts to clarify doubts about compliance with the provisions of the Convention, and shall refrain from activities not relevant thereto. It shall collect and document such evidence as is related to the compliance with the Convention by the inspected State Party but shall neither seek nor document information which is clearly not related thereto, unless the inspected State Party expressly requests it to do so. Any material collected and subsequently found not to be relevant shall not be retained.

5. The inspection team shall be guided by the principle of conducting the inspection in the least intrusive manner possible, consistent with the effective and timely accomplishment of its mission. Wherever possible, it shall begin with the least intrusive procedures it deems acceptable and proceed to more intrusive procedures only as it deems necessary.

B. Managed access

1. The inspection team shall [, to the extent it deems them appropriate,] take into consideration and adopt suggested modifications of the inspection plan and proposals which may be made by the inspected State Party, at whatever

stage of the inspection including the pre-inspection briefing, to ensure that sensitive equipment, information or areas, not related to chemical weapons, are protected. 1/

2. In meeting the requirement to provide access within the final and requested perimeter, the inspected State Party will be under a treaty obligation to allow the [greatest degree of] access [taking into account proprietary rights, its legal obligations and national security] [in accordance with the obligation to demonstrate compliance].

[3. The inspected State Party shall designate the perimeter entry/exit points and the inspection team and the inspected State Party shall negotiate: the extent of access to any particular place or places within the final and requested perimeters as provided in Section III.B, paragraphs 4-7 below; the particular inspection activities to be conducted by the inspection team; the performance of particular activities by the inspected State Party; and the provision of particular information by the inspected State Party.]

4. The inspected State Party shall [make every reasonable effort to] demonstrate to the inspection team that any object, building, structure, container or vehicle to which the inspection team has not had full access [or to which access has been denied], is not used for an activity giving rise to concern regarding compliance with the Convention.

5. In conformity with the relevant provisions in the Annex on the protection of confidential information the inspected State Party shall have the right to take measures to protect sensitive installations and prevent disclosure of confidential data not related to chemical weapons. Such measures may include, *inter alia*:

- removal of sensitive papers from office spaces and securing them in safes;
- shrouding of sensitive displays, stores, and equipment that cannot be secured in safes;
- shrouding of sensitive pieces of equipment, such as computer or electronic systems;
- logging off of computer systems and turning off of data indicating devices;

[- restriction of sample analysis to appropriate element-specific on-site test except where suitable facilities are not provided;]

1/ This paragraph requires further discussion in the light of the overall concept of challenge inspection procedures. Proposals were made, *inter alia*, to delete this paragraph or to change its placement.

- random selective access whereby the inspectors are requested to select a given percentage or number of buildings of their choice to inspect; the same principle can apply to the interior and content of sensitive buildings;

- giving exceptionally only individual inspectors access to certain parts of the inspection site.

6. The inspected State shall demonstrate to the inspection team that any part of the inspection site protected in accordance with paragraph B.5. above has no relation to the concern raised in the inspection request.

[This may be accomplished by partial removal of a shroud or environmental protection cover, at the discretion of the inspected party, or by other methods. If the inspected party demonstrates to the satisfaction of the inspection team that the object has not been designed, constructed, or used for the stipulated suspect activity, then there shall be no further inspection of that object.

Furthermore, it shall be the responsibility of the inspected party to satisfy the inspectors that a hazardous area, structure, container, or vehicle has not been designed, constructed, or used for the suspected activity stipulated in the inspection request. If the inspected party demonstrates to the satisfaction of the inspection team by means of a visual inspection of the interior of an enclosed space from its entrance that the enclosed space does not contain any items designed, constructed, or used for the stipulated suspect activity, then such an enclosed space shall not be subject to further inspection.]

[7. The inspected State Party would be under the obligation to provide access within the requested perimeter by selecting at least one of the following:

- Access on the ground for one or more members of the inspection team to portions within the requested perimeter;

- Aerial access for members of the inspection team. The inspected State Party, at its option, would provide the aircraft and pilot or rely on the inspection team's aircraft and pilot. (Procedures patterned after the proposed Open Skies regime could be followed.);

- Observation into the area enclosed by the requested perimeter from an elevated platform (e.g., tower, ladder, or hoist) placed or erected by the inspected State Party [outside the requested perimeter] [at the final perimeter];

- Use of tamper-evident sensor suites specifically designed to detect relevant chemicals as developed and approved by States Parties in accordance with the Convention. At the option of the inspected State Party, such sensor suites could be used - either by members of the inspection team or remotely - as the aerial or surface access permitted by the inspected State Party.] 1/

[8. For facilities declared under Articles IV, V, and VI, the following shall apply:

- For facilities with facility agreements, access and activities within the final perimeter shall be unimpeded within the boundaries established by the agreements.

- For facilities without facility agreements, negotiation of access and activities shall be governed by the applicable general inspection guidelines or model agreements established under the Convention.

- Access greater than that granted for inspections under Articles IV, V and VI shall be managed in accordance with procedures in paragraphs 4 and 5 of this section.]

[9. For facilities declared under Article III, paragraph 1 (c), if access is restricted or denied to areas or structures not related to chemical weapons, using procedures in paragraphs 4 and 5 in this section, the inspected State Party shall make every reasonable effort to satisfy the compliance concern.]

C. Observer[s] 2/

1. Pursuant to the provisions of Article IX, the requesting State Party shall liaise with the Technical Secretariat to coordinate the arrival of its observer[s] at the same point of entry as the inspection team within a reasonable period of the inspection team's arrival.

2. The observer[s] of the requesting State Party shall have the right throughout the period of inspection to be in communication with the embassy of the requesting State located in the host State or, in the case of absence of an embassy, with the requesting State itself. The observer[s] shall use the means of communication provided by the inspected State Party.

1/ There is a proposal to delete this paragraph: the possible options provided by managed access ought not be reduced a priori.

2/ Views were expressed that the question of whether an observer is required is not yet solved. In case there will be an agreement on this issue, these provisions need further elaboration.

3. The observer[s] shall have [the right to arrive at the site] [access to the inspection site as granted by the inspected State Party] [the same access to the inspection site as that granted to the inspection team]. The observer[s] shall have the right to make recommendations to the inspection team, which the team shall take into account to the extent it deems appropriate. If there is a place into which the inspected State Party is willing to allow the inspection team or a team member to go, but into which it does not wish the observer[s] to go, the observer[s] shall remain outside. Throughout the inspection, the inspection team shall keep the observer[s] informed about the conduct of the inspection and the findings.

4. Throughout the in-country period, the inspected State Party shall provide or arrange for the amenities necessary for the observer[s] such as communication means, interpretation services, transportation, working space, lodging, meals and medical care. All the costs in connection with the stay of the observer[s] on the territory of the inspected State Party or the host State shall be borne by the requesting State Party.

[D. Sampling

Subject to safety and other precautions, as necessary, the inspection team shall itself have the right to take any air, soil, wipe or effluent samples from the inspection site.]

[E. Extension of inspection site 1/

If the inspection team considers it necessary, for the purpose of the inspection, to visit any other contiguous location outside the boundaries of the inspection site as originally specified by the requesting State Party, the inspection team leader shall formally submit a written request to the inspected State Party [through the in-country escort]. Within two hours of the submission of the request the inspected State Party shall formally respond in writing to the request [through the in-country escort]. The requesting State Party or the observer[s] of the requesting State Party shall promptly be informed by the inspection team of the request of the inspection team leader and the response to it by the inspected State Party. If the response is negative, the requesting State Party may [through its observer] modify its original request to include the additional contiguous location. Once such a modified request has been formally submitted to [the Director-General of the Technical Secretariat] [the in-country escort], the additional contiguous location shall be subject to inspection by the team within ... hours.

1/ The procedures in this paragraph need further consideration based on the managed access approach outlined in CD/CW/WP.352.

A request to visit an additional contiguous location shall not extend the overall period of inspection unless agreed in accordance with Section F below. 1/]

F. Duration of an inspection

[The period of inspection shall not exceed ... hours. It may be extended by agreement with the inspected State Party by no more than ... hours. 2/]

IV. DEPARTURE

[1. At the inspected State Party's request, the clothing and equipment shall be left at the site. The inspected State Party shall reimburse the Technical Secretariat for the cost of any clothing and equipment left by the inspection team.]

2. Upon completion of the post-inspection procedures at the inspection site, the inspection team and the observer of the requesting State Party shall return promptly to the point of entry at which they entered the inspected State Party or host State and they shall then leave the territory of that State in the minimum time possible.

V. REPORTS

A. Contents

The inspection report shall summarize in a general way the activities conducted by the inspection team and the factual findings of the inspection team, particularly with regard to the [suspicion of non-compliance] [concern regarding compliance] with the Convention cited in the request for the challenge inspection and shall be limited to information directly related to the Chemical Weapons Convention. It shall also include an assessment by the inspection team of the degree and nature of access and cooperation granted to the inspectors and the extent to which this enabled them to fulfil their mandate. Detailed information relating to the [suspicion of non-compliance] [concern regarding compliance] with the Convention cited in the request for the challenge inspection shall be submitted as an Appendix to the final report and be retained within the Technical Secretariat under appropriate safeguards to protect sensitive information.

1/ A view was expressed that it might not be necessary to formally resort back to the requesting State Party which is already involved in the whole process of the inspection through its observer as currently foreseen in the latter part of paragraph 3, section "Observers".

2/ It has been suggested that before limits of an inspection are specified, it would be useful to explore the relationship between the size of the area to be inspected, the duration of the inspection and the size of the inspection team.

B. Procedures

The Inspectors shall within 72 hours of their return to their primary work location submit a preliminary inspection report to the Director-General of the Technical Secretariat. The Director-General shall promptly transmit the preliminary report to the requesting State Party, the inspected State Party and to the Executive Council. A draft final report shall be made available to the inspected State Party within [20] days of the completion of the inspection for identification of any non-CW-related information it considers should due to its confidentiality not be circulated outside the Technical Secretariat. The Technical Secretariat shall consider proposals for [technical] changes to their draft final report made by the inspected State Party and using its own discretion, wherever possible, adopt them. The final report shall then be submitted within [30] days of the completion of the inspection to the Director-General for further distribution and consideration in accordance with Article IX paragraphs 16 and 17.

PART IV: PROCEDURES IN CASES OF ALLEGED USE OF CHEMICAL WEAPONS

I. GENERAL

1. Investigations initiated pursuant to Articles IX and/or X of the Convention of alleged use of chemical weapons shall be conducted in accordance with this Protocol and detailed procedures to be established by the Director-General of the Technical Secretariat. [Wherever appropriate, the procedures relating to challenge inspections shall apply.]

2. The following additional provisions address specific procedures required in cases of alleged use of chemical weapons.

II. PRE-INSPECTION ACTIVITIES

A. Request for an investigation

The request for an investigation of an alleged use of chemical weapons to be submitted to the Director-General of the Technical Secretariat, to the extent possible, should include the following information:

- the State Party on whose territory use of chemical weapons is alleged to have taken place
- the point of entry or other suggested safe routes of access
- location and characteristics of the area(s) where chemical weapons are alleged to have been used
- when chemical weapons are alleged to have been used
- types of chemical weapons believed to have been used
- extent of the alleged use
- characteristics of the possible toxic chemicals
- effects on humans, animals and vegetation
- request for specific assistance, if applicable

The requesting State Party may submit at any time any additional information it deems necessary.

B. Notification

1. The Director-General of the Technical Secretariat shall immediately acknowledge receipt to the requesting State Party of its request and inform the Executive Council and all States Parties.

2. If applicable, the Director-General of the Technical Secretariat shall notify the State Party on whose territory an investigation has been requested. The Director-General shall also notify other States Parties if access to their territories might be required during the investigation.

C. Assignment of inspection team

1. The Director-General shall prepare a list of qualified experts whose particular field of expertise could be required in an investigation of alleged use of chemical weapons and constantly keep this list updated. This list shall be communicated, in writing, to all States Parties within 30 days of the entry into force of the Convention and after each change to the list. Any qualified expert included in this list shall be regarded as designated unless a State Party, within 30 days after its receipt of the list declares its non-acceptance.

2. The Director-General shall select the leader and members of an inspection team from the full-time inspectors already designated for challenge inspections taking into account the circumstances and specific nature of a particular request. In addition, inspection team members may be selected from the list of qualified experts when, in the view of the Director-General, expertise not available among inspectors already designated is required for the proper conduct of a particular investigation.

3. When briefing the inspection team the Director-General shall include any additional information provided by the requesting State, or any other sources, to ensure that the inspection can be carried out in the most effective and expedient manner.

D. Dispatch of inspection team 1/

1. Immediately upon the receipt of a request for an investigation of alleged use of chemical weapons the Director-General shall, through contacts with the relevant States Parties, request and confirm arrangements for the safe reception of the team.

2. The Director-General shall dispatch the team at the earliest opportunity, taking into account the safety of the team.

3. If the team has not been dispatched within [24] [48] hours from the receipt of the request, the Director-General shall inform the Executive Council and the States Parties concerned about the reasons for the delay.

1/ A view was expressed that an obligation should be laid down to dispatch the team within a fixed time frame.

E. Briefings

1. The inspection team shall have the right to be briefed by representatives of the inspected State Party upon arrival and at any time during the inspection.

2. Before the commencement of the inspection the inspection team shall prepare an inspection plan to serve, *inter alia*, as a basis for logistic and safety arrangements. The inspection plan shall be updated as the need arises.

III. CONDUCT OF INSPECTIONS

A. Access

The inspection team shall have the right of access to any and all areas which could be affected by the alleged use of chemical weapons. It shall also have the right of access to hospitals, refugee camps and other locations it deems relevant to the effective investigation of the alleged use of chemical weapons. For such access, the inspection team shall consult with the inspected State Party.

B. Sampling

1. The inspection team shall have the right to collect samples, of types and in quantities it considers necessary. If the inspection team deems it necessary, and if so requested by it, the inspected State Party shall assist in the collection of samples under the supervision of inspector(s) or inspection assistant(s). The inspected State Party shall also permit and cooperate in the collection of appropriate control samples from areas neighbouring the site of the alleged use and from other areas as requested by the inspection team.

2. Samples of importance in the investigation of alleged use include toxic chemicals, munitions and devices, remnants of munitions and devices, environmental samples (air, soil, vegetation, water, snow, etc.) and biomedical samples from human or animal sources (blood, urine, excreta, tissue, etc.).

3. When duplicate samples cannot be taken and the analysis is performed at off-site laboratories, any remaining sample shall, if so requested, be returned to the State Party after the completion of the analysis.

C. Extension of the inspection site

When the inspection team during an inspection deems it necessary to extend the investigation into a neighbouring State Party the Director-General of the Technical Secretariat shall notify that State Party about the need for access to its territory and request and confirm arrangements for the safe reception of the team.

D. Extension of inspection duration

If the inspection team deems that safe access to a specific area relevant to the investigation is not possible, the requesting State Party shall be informed immediately. [1] If necessary the period of inspection shall be extended until safe access can be provided and the inspection team will have concluded its mission.

E. Interviews

The inspection team shall have the right to interview and examine persons who may have been affected by the alleged use of chemical weapons. It shall also have the right to interview eyewitnesses of the alleged use of chemical weapons and medical personnel and/or other persons who have treated or have come into contact with persons who may have been affected by the alleged use of chemical weapons. The inspection team shall have access to medical histories, if available, and be permitted to participate in autopsies as appropriate of the persons who may have been affected by the alleged use of chemical weapons.

IV. REPORTS

A. Procedures

1. The inspection team shall within 24 hours from its arrival in the inspected State Party send a situation report to the Director-General of the Technical Secretariat. It shall further throughout the investigation send progress reports as necessary.

2. The inspectors shall within 72 hours of their return to their primary work location submit an interim report to the Director-General of the Technical Secretariat. The Director-General shall promptly transmit the report to the Executive Council and all States Parties. The final report shall be submitted to the Director-General of the Technical Secretariat within 30 days of their return to their primary work location.

B. Contents

1. The situation report shall indicate any urgent need for assistance and any other relevant information. The progress reports shall indicate any further need for assistance that might be identified during the course of the investigation.

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[1] A view was expressed that a provision to the effect that States Parties shall undertake not to take action which may endanger the safety of the inspection team is needed.

2. The final report shall summarize the factual findings of the inspection, particularly with regard to the alleged use cited in the request. In addition a report of an investigation of an alleged use shall include a description of the investigation process, tracing its various stages, with special reference to (i) the locations and time of sampling and *in situ* analyses; and (ii) supporting evidence, such as the records of interviews, the results of medical examinations and scientific analyses, and the documents examined by the inspection team.

3. If the inspection team collects any information in the course of its investigation that might serve to identify the origin of any chemical weapons used, *inter alia*, through identification of any impurities or other substances during laboratory analysis of samples taken, that information shall be included in the report.

V. STATES NOT PARTY

In the case of alleged use of chemical weapons involving a non-State Party or on territory not controlled by a State Party, the Organization shall closely cooperate with the Secretary-General of the United Nations. If so requested, the Organization shall put its resources at the disposal of the Secretary-General of the United Nations.

APPENDIX II

JURISDICTION AND CONTROL

Chairman's Summary of Consultations in 1990

1. Given that the last series of discussions on this issue took place in 1987, the consultations at the outset involved a preliminary exchange of views, which helped achieve a wider appreciation of various national positions and concerns, including:

- the need for consistency, clarity and precision in defining the scope of States Parties' responsibilities under the Convention;

- the question of the exercise of jurisdiction by States Parties over their nationals (including legal entities) abroad.

Furthermore, it was generally recognized that, in the resolution of this issue, the optimum balance needs to be achieved between establishing obligations for States Parties which are both comprehensive and unambiguous and yet do not impose upon States Parties' obligations which cannot be fulfilled.

2. Subsequently, discussions focused on the question of the general undertakings of States Parties, as embodied in Article VII: National Implementation Measures, especially in so far as this relates to the question of jurisdiction over private activities, both territorially and extraterritorially. This was without prejudice to the consideration of the issue of jurisdiction and control in other provisions of the Convention, especially with respect to:

- the scope of States Parties' obligations under Articles I to V (with at least one delegation being of the view that consideration of Article VII needed to be undertaken subject to the resolution of the relevant jurisdiction issues in Articles I to V);

- the monitoring provisions in Article VI (especially paragraph 1 (b)).

- questions of jurisdiction and control with respect to both the issue of old chemical weapons and of Article IX.

3. These discussions showed that specific components of the general undertakings embodied in Article VII needed to be addressed. While the territorial basis for assuming jurisdiction over all natural persons and legal entities was generally recognized, divergent views remained with respect to:

- the extent of obligations assumed by States Parties by the use of the term "to prohibit and prevent" with respect to activities on a State Party's territory or in any place under its jurisdiction or control, with some delegations suggesting alternatives such as "not to permit" or "to prohibit";

- the question of preserving an appropriate reference to "control" in this provision;
- the extent to which States Parties are able and/or willing to enact penal provisions with respect to their nationals (both natural persons and legal entities) abroad.

4. Furthermore, it was recognized that the right of States Parties to cooperate among themselves, as well as the need for extensive legal assistance between States Parties, in fulfilling general undertakings assumed under Article VII were issues which warranted reflection in the context of a redrafted Article VII.

5. In an attempt to address these particular concerns, agreement was reached on a new text which is now included in Article VII, paragraphs 1 and 2, General Undertakings. It is recommended that the issue of jurisdiction and control, as it arises elsewhere in the Draft Convention, be the subject of further consideration.

OLD CHEMICAL WEAPONS

Chairman's summary of consultations in 1990

Resumed consultations with interested delegations, initially bilateral and then open-ended, on the subject of old chemical weapons have revealed that divergencies remain. There is indeed a basic difference between the view that this question should remain a secondary one in the Convention, and another view which considers that it is a central question, not confined to the past, and directly linked to the question of use. The consultations have, however, enabled delegations to focus on specific aspects. The Chairman has reached the following tentative conclusions with respect to further work on the subject:

1. Delegations recognize the need to have some provisions in the Convention to address the issue of old chemical weapons.

2. Consideration of old chemical weapons is closely related to the definition of chemical weapons. Whilst some delegations believe that they should fall under the established definition in Article II, others consider that, given their characteristics, they should be subject to a specific regime, or even that some of them should remain outside the Convention.

3. The circumstances for chemical weapons being present on a country's territory differ, but can be put into four categories:

- chemical weapons possessed now, or in the past, by that country as part of an active chemical weapons programme;
- chemical weapons deployed or stored in that country by another country, in accordance with bilateral agreements or security arrangements;
- chemical weapons abandoned in that country by another country or Government which may have previously been present at, or had some control over, the site of discovery;
- chemical weapons unearthed on that country's territory where chemical weapons were used in combat, washed ashore, or otherwise retrieved after having been lost or disposed of at sea by another country.

This tentative inventory does not, however, lead for the time being to an agreement between delegations on the proper treatment of old chemical weapons in the Convention.

4. Establishing responsibility for old chemical weapons abandoned in the past by a State Party on the territory of another State Party remains a subject of wide divergencies. There is, however, a widely shared understanding that the discovery of these old chemical weapons should not

impose a priori the responsibility for destruction on the discovering State. To a certain extent, the issue is linked to the question of jurisdiction and control, which is presently under consideration.

5. Delegations agree on the need for a regime to apply to chemical weapons that may be discovered after entry into force of the Convention.

6. There is an agreement that the role of the Organization shall include receiving any notifications by a State Party that it has discovered old chemical weapons, and providing advice, if so requested, to interested States Parties in destroying them. One should take note, in that respect, of the new drafting of Article IV, paragraph 5, which deals with the possiblility for each State Party to cooperate with other States Parties through the Technical Secretariat regarding methods and technologies for destruction of old chemical weapons.

7. There is an understanding that the provisions in the Convention should in no way preclude the possibility that countries concerned seek arrangements on a voluntary basis to resolve issues related to old chemical weapons.

Chairman's summary of consultations in 1991

1. During the 1991 session, informal consultations were carried out with a large number of delegations mostly on an individual basis.

2. During these consultations, the outcome of consultations undertaken during the 1990 session was used as a starting point and subsequent contributions made by delegations were taken into account.

3. Varying degrees of importance were attached to the subject. Nevertheless, there was a general recognition of the need to address the subject within the framework of the Convention.

4. There was a general understanding that the problems of old and abandoned chemical weapons constitute a package. Nevertheless, it was recognized that there were different issues pertaining to old, and to abandoned chemical weapons, respectively.

5. Concerning old chemical weapons, the key issue was that of the cut-off date: whether it should be 1946 (the end of World War II) or 1925 (conclusion of the 1925 Geneva Protocol); or whether there should be a double cut-off or no cut-off at all.

6. As regards abandoned chemical weapons, the key issue was that of responsibility: whether the territorial State or the State that abandoned these weapons should be responsible for them.

7. As regards the role of the Organization in dealing with old and abandoned chemical weapons, views differed between those who preferred a limited role and those who wanted to see an expanded role.

8. Identified activities of the Organization in dealing with old and abandoned chemical weapons ranged from receiving notification/declaration, through conducting technical inspection/verification of the age and usability of old chemical weapons and/or the identity of abandoned chemical weapons, to managing/lending assistance for their destruction.

9. In view of the remaining divergences, it would not be realistic to expect a solution to the problem by the end of the 1991 session.

10. However, considering the emerging ideas and the increasing goodwill felt during the consultations, and without prejudice to the long-standing understanding that any solution should in no way preclude the possibility that countries concerned seek arrangements on a voluntary basis to resolve issues related to old/abandoned chemical weapons, for the future work on the subject, delegations might wish to give consideration, *inter alia*, to the following elements:

(a) Determine a (some) cut-off point(s), possibly combined with technical inspection of usability of old stocks and of production date of old chemical weapons.

(b) Settle the question of responsibility for abandoned chemical weapons by clarifying the following sub-elements:

- the obligations and involvement of the territorial State and of the abandoning State;

- the encouragement of bilateral cooperation between them.

(c) Determine the role of the Organization in:

- conducting verification/inspection of the age and/or usability of old chemical weapons, as well as the identity of abandoned chemical weapons;

- managing possible international assistance for destruction on a voluntary, *ad hoc* and upon request basis.

POSSIBLE FACTORS IDENTIFIED TO DETERMINE THE NUMBER, INTENSITY, DURATION, TIMING AND MODE OF INSPECTIONS OF FACILITIES HANDLING SCHEDULE 2 CHEMICALS 1/ 2/

1. Factors related to the listed chemical

(a) Toxicity of the end-product.

2. Factors related to the facility

(a) Multipurpose or dedicated facility.

(b) Capability and convertibility for initiating production of highly toxic chemicals.

(c) Production capacity.

(d) On-site storage of listed key precursors in quantities exceeding ... tonnes.

(e) Location of the facility and infrastructure for transportation.

3. Factors related to the activities carried out at the facility

(a) Production e.g. continuous, batch, types of equipment.

(b) Processing with conversion into another chemical.

(c) Processing without chemical conversion.

(d) Other types of activities, e.g. consumption, import, export, transfer.

(e) Volume produced, processed, consumed, transferred.

(f) Relationship between maximum and utilized capacity for a scheduled chemical.

- multipurpose facility
- dedicated facility

4. Other factors

(a) International monitoring by on-site instruments.

(b) Remote monitoring.

1/ The terminology of this material might have to be revised on the basis of the present stage of negotiations.

2/ The order in which these factors are listed does not indicate any priority.

"CAPTIVE USE" OF LISTED CHEMICALS

During discussions with representatives of the chemical industry, attention has been drawn to the issue of "captive use" of chemicals in relationship with the provisions of the Convention. This issue was discussed in Working Group B of the Ad hoc Committee during the 1990 session. The following considerations reflect the state of the discussion at the end of that session.

Captive use is an expression to indicate a procedure whereby a chemical is produced but subsequently transformed into (an)other chemical(s) without leaving the facility involved.

Two cases can be distinguished:

1. The chemical is not isolated and cannot easily be isolated.
2. The chemical is isolated and is stored at the facility for a time which can range between minutes and days or can be easily isolated.

These two cases could be treated separately.

1. The chemical is not isolated and cannot easily be isolated.

1.1 The chemical is on Schedule 1.

Captive use of Schedule 1 chemicals as intermediates for commercial purposes is a highly unlikely event. (The only exception known at this moment is the use of BZ in the production of the pharmaceutical Librax.) One option would be to follow the rules for Schedule 1 production as now envisaged in the draft CW Convention. Another option could be the following: rather than establishing a special regime for Schedule 1 chemicals in captive use, exceptions might be made for those very rare cases at the time. In that case, the Organization would have to approve the production process to be used as well as the total quantity of the Schedule 1 chemicals present at any time in the facility (for example 1 kg). With that approval, the total yearly production of such chemicals would not be counted against the 1 tonne limit specified in paragraph 1 (iv) of Annex I to Article VI. The verification provisions would be similar to those for facilities producing Schedule 1 chemicals for research, medical or pharmaceutical purposes outside a single small-scale facility in quantities not exceeding 10 kg per year per facility.

1.2 The chemical is on Schedule 2.

Proposed procedure: the facility and the process used are declared if the yearly production and consumption is above established thresholds. The modalities of eventual inspections should then be established commensurate to the risk posed by the process to the Convention. An element for the establishment of those modalities would be the technical difficulty for isolating the chemical.

2. The chemical is isolated or can easily be isolated.

2.1 The chemical is on Schedule 1.

Proposed procedure: normal restrictions on production of Schedule 1 chemicals would apply.

2.2 The chemical is on Schedule 2.

Proposed procedure: the facility is declared and verified in the same way as established for non-captive use.

ANNEX 2 TO ARTICLE VI

Regime for Chemicals on Schedule 2 Parts A and B

I. DECLARATIONS

The initial and annual declarations to be provided by a State Party under paragraphs 3 and 4 of Article VI shall include:

A. Declarations of aggregate national data

Aggregate national data on the quantities produced, processed, consumed, imported and exported of each chemical listed in Schedule 2 in the previous calendar year, as well as a quantitative specification of import and export for each country involved.

B. Declarations of plants

1. General

Declarations are required for:

(a) All plants that produced, processed or consumed 1/ during any of the previous three years or are anticipated to produce, process or consume in the next year

- more than one tonne of a chemical listed in Schedule 2 A, or
- more than [...] of a chemical listed in Schedule 2 B. 2/

(b) Plants that produced at any time [since 1 January 1946] [during the 15 years prior to the entry into force of the Convention] a chemical in Schedule 2 for chemical weapon purposes. 3/

1/ Trading companies need further consideration.

2/ The question of thresholds for chemicals listed in Schedule 2 B, as well as the question of adding toxins to Schedule 2 B, need further consideration.

3/ It is suggested that initial inspections of these plants are necessary to determine whether further routine inspections should be conducted. It has been suggested by some delegations to remove the reference to those plants to the Annex to Article V, while other delegations prefer to keep the text in the relevant Annex to Article VI.

2. Declarations on past activities

For each plant declarations shall include the following information on Schedule 2 chemicals as well as on the plant itself.

Chemical(s)

(a) The chemical name, common or trade name used by the plant, structural formula, and Chemical Abstracts Service Registry Number (if assigned).

(b) The total amount produced, processed, consumed, imported and exported in the previous calendar year or, in the case of the initial declaration as required in Article VI, paragraph 3, in each of the three previous calendar years.

(c) The purpose(s) for which the chemical(s) are produced, processed or consumed:

(i) processing and consumption on-site (specify product type);

(ii) sale or transfer within the country (specify, if to other domestic industry, trader or other destination with an indication, if possible, of final product type);

(iii) direct export (specify which country);

(iv) other - specify.

Plant

(d) The name of the plant and of the owner, company or enterprise operating the plant.

(e) The precise location of the plant (including the address, location of the plant site, location of the plant within the plant site including the specific building and structure number, if any).

(f) The main orientation (purpose) of the plant.

(g) Whether the plant is dedicated to producing, processing or consuming the listed chemical or is multi-purpose.

(h) The production capacity of the plant for the declared Schedule 2 chemical(s).

(j) Which of the following activities are performed with regard to the Schedule 2 chemical(s):

(i) production;

(ii) processing;

(iii) consumption;

(iv) other - specify (e.g. storage).

3. Notification of anticipated activities

The notifications relating to anticipated activities as required in paragraph 1 shall follow the same format as provided for in the preceding paragraph. In addition, the anticipated time period(s) of production, processing or consumption are to be notified.

C. Procedural provisions

Each State Party shall submit, when the Convention enters into force for it:

1. Initial declarations not more than 30 days later (Article VI, para. 3) on past and anticipated activities.

2. Subsequent annual declarations relating to past activities not later than 31 March for the preceding calendar year, starting in the year which follows the year of entering into force.

3. Subsequent annual notifications relating to anticipated activities not later than 31 October for the following calendar year. Subsequently planned notifiable activities in the same reporting year shall be notified not later than [ten] days before this additionally planned activity begins.

D. Information to States Parties

The list of plants declared under this Annex together with the information provided under paragraphs [2 (a), (d), (e), and (j)] shall be transmitted by the Technical Secretariat to all States Parties within 30 days after declarations have become due.

II. VERIFICATION

I. General

(a) International on-site verification provided for in paragraph 6 of Article VI shall, under this Annex, be carried out by the Technical Secretariat through routine inspections of those of the declared plants which produced, processed or consumed during any of the previous three years or are anticipated to produce, process or consume in the next year

- more than 10 tonnes of a chemical listed in Schedule 2 A, or
- more than [...] of a chemical listed in Schedule 2 B.

(b) The draft programme and budget of the Organization to be submitted by the Executive Council pursuant to Article VIII, paragraph 20 (e) shall contain, as a separate item, an indicative draft programme and budget for verification under this Annex. [..] per cent of the resources available for verification under Annexes 2 and 3 of Article VI shall be devoted to verification under this Annex.

(c) The Technical Secretariat shall:

(i) perform initial inspections of declared plants in accordance with paragraph 2 below;

(ii) select plants for routine inspections in accordance with paragraph 3 below.

2. Initial inspections

Each plant specified in paragraph 1 (a) above shall receive an initial inspection as soon as possible but preferably not later than [three] years after entry into force of the Convention. Plants declared after this period should receive an initial inspection not later than [one] year after production, processing or consumption is first declared. Selection of plants for initial inspection shall be made by the Technical Secretariat [on a random basis] in such a way as to preclude the prediction of precisely when the plant is to be inspected.

3. Routine inspections

(a) Having received the initial inspection, each plant specified in paragraph 1 (a) above shall be subject to routine inspections.

(b) In selecting particular plants for inspection, the Technical Secretariat shall:

[(i) take into account nominations by States Parties;]

(ii) give due consideration to the risk to the objectives of the Convention posed by the relevant chemical, the characteristics of the plant and the nature of the activities carried out there;

(iii) take into account, on the basis of subsequent declarations, such operational modifications of plants it deems relevant;

(iv) choose the particular plant to be inspected in such a way as to preclude the prediction of precisely when the plant is to be inspected.

(v) not inspect one plant more than twice per year.

4. Inspection aims

The general aim of inspections shall be to verify that activities are in accordance with obligations under the Convention and consistent with the information provided in declarations on individual plants. Particular aims of inspections at plants declared under this Annex shall include verification of:

(a) the absence of any Schedule 1 chemical;

(b) consistency with declarations of levels of production, processing or consumption of Schedule 2 chemicals;

(c) the absence of non-declared chemicals listed in Schedules 2 or 3 above thresholds for declarations;

(d) non-diversion of chemicals listed in Schedule 2 for purposes prohibited under the Convention.

5. Inspection procedures

Inspections shall be carried out in accordance with agreed guidelines and other relevant provisions of the Protocol on Inspection Procedures and the Annex on the Protection of Confidential Information. 1/

1/ The view was expressed that in the Protocol on Inspection Procedures, the right of the State Party or the Technical Secretariat to request the conclusion of an individual plant agreement shall be envisaged.

ANNEX 3 TO ARTICLE VI

Regime for chemicals on Schedule 3, [plant sites] [plants] related to such chemicals and other [plant sites] [plants] relevant to the objectives of the Convention

I. DECLARATIONS

The initial and annual declarations to be provided by a State Party under paragraphs 3 and 4 of Article VI shall include:

A. Declarations of aggregate national data

Aggregate national data for the previous calendar year on the quantities produced, [processed, consumed,] imported and exported of each chemical listed in Schedule 3, as well as a quantitative specification of import and export for each country involved.

B. Declarations of [plant sites] [plants]

1. General

Declarations are required for all [plant sites comprising one or more]:

(a) plants that produced [, processed or consumed] during the previous year or are anticipated to produce [, process or consume,] in the next year more than 30 tonnes of a chemical listed in Schedule 3;

(b) plants that produced at any time [since 1 January 1946] [during the 15 years prior to the entry into force of the Convention] a chemical in Schedule 3 for chemical weapons purposes;

(c) ... (to be agreed upon). 1/

2. Declarations on past activities

(a) Declarations required under paragraph 1 (a) above shall include the following information on the Schedule 3 chemical(s):

- (i) the chemical name, common or trade name used by the plant, structural formula, and Chemical Abstracts Service Registry Number (if assigned).
- (ii) The approximate amount of production, [processing and consumption] of the chemical in the previous calendar year, expressed in the ranges: up to 100 tonnes specified to the nearest 10 tonnes, up to 1,000 tonnes specified to the nearest 100 tonnes, and above 1,000 tonnes specified to the nearest 1,000 tonnes.

1/ Work done on this subparagraph is contained in the paper entitled "Other relevant facilities to be covered under Annex 3 to Article VI".

(iii) The purpose(s) for which the chemical(s) are produced [, processed or consumed].

(b) Declarations required under paragraph 1 (a), (b) or (c) shall include the following information on the plant site and its plants:

(i) The name of the plant site and of the owner, company, or enterprise operating the plant site and of the owner, company, or enterprise operating the plant(s) if different.

(ii) The precise location of the plant site including its address.

(iii) The number of plants within the plant site which fall under the definitions of paragraph 1 (a), (b) or (c) above.

(iv) Within the plant site the number of plants which are declared under Annex 2 to Article VI.

[(v) The name and the precise location of the plant(s) declared under this Annex within the plant site including the specific building and structure number, if any.

(vi) The main orientation (purpose) of the plant(s).

(vii) The production capacity of the plant(s).]

3. Notification of anticipated activities

The notifications relating to anticipated activities as required in paragraph 1 shall follow the same format as provided for in the preceding paragraph.

C. Procedural provisions

Each State Party shall submit, when the Convention enters into force for it:

1. Initial declarations not more than 30 days later (Art. VI, para. 3) on past and anticipated activities.

2. Subsequent declarations relating to past activities not later than 31 March for the preceding calendar year, starting in the year which follows the year of entering into force.

3. Subsequent annual notifications relating to anticipated activities not later than 31 October for the following calendar year. Subsequently planned notifiable activities in the same reporting year shall be notified not later than [ten] days before this additionally planned activity begins.

D. Information to States Parties

The list of [plant sites] [plants] declared under this Annex together with the information provided under paragraphs 2 (a) (i), 2 (b) (i), (ii), [(v), and (vi)], shall be transmitted by the Technical Secretariat to all States Parties within 30 days after declarations have become due.

II. VERIFICATION

1. General

(a) International on-site verification provided for in paragraph 6 of Article VI shall be carried out by the Technical Secretariat through on-site inspections 1/ at [plant sites] [plants] declared under this Annex.

(b) The draft programme and budget of the Organization to be submitted by the Executive Council pursuant to Article VIII, paragraph 20 (e) shall contain, as a separate item, an indicative draft programme and budget for verification under this Annex.

[(c) The random selection of [plant sites] [plants] for general surveillance of data and random selective visits shall be conducted by the Technical Secretariat through appropriate mechanisms, including the use of especially designed computer software.]

[(c) the selection of [plant sites] [plants] for inspection shall be performed by the Technical Secretariat on the following basis:

(i) Each State Party has the right annually to nominate at least [...] [plant sites] [plants] for inspection. 2/ The maximum number of [plant sites] [plants] a State Party may nominate for inspections shall be decided annually by the Executive Council taking into account budget allocation for verification under this Annex and the number of States Parties. This quota multiplied by the number of States Parties will constitute an overall annual quota of nominations for inspections.

[(ii) A State Party may transfer some or all of its nomination quota to the Technical Secretariat.]

(iii) Nominations for inspection by States Parties shall be communicated to the Technical Secretariat before the beginning of the year for which the inspections are proposed. The Technical Secretariat shall ensure that the identity of the [plant sites] [plants] nominated and the proponents are not revealed.

1/ Views were expressed that facilities under this Annex should be subject to "visits" and not to "inspections".

2/ The view was expressed that there is no need to establish a minimum quota of nominations available to a State Party.

First option

(iv) Should the combined number of different national nominations be smaller than the overall annual quota of nominations, the Technical Secretariat will fill up the gap by selecting from [plant sites] [plants] declared under this Annex on the basis of relevant criteria (to be developed).

(v) The Technical Secretariat shall then, from the combined nominations, randomly select the [plant sites] [plants] to be inspected.

Second option

(iv) Should the combined number of different national nominations be smaller than the annually available number of inspections, all nominated [plant sites] [plants] shall be inspected.

(v) Should the combined number of national nominations be greater than the annually available number of inspections, the Technical Secretariat shall, from the combined nominations, randomly select the [plant sites] [plants] to be inspected.]

(d) Under this Annex, the maximum number of inspections to be received by a State Party shall not exceed [two] [three] [plus [five] per cent of the number of] [plant sites] [plants] declared by it under this Annex.

(e) No [plant site] [plant] shall receive more than [one] [two] inspections per year under the provisions of this Annex.

2. Inspection aims

(a) At [plant sites] [plants] declared under this Annex, the general aim of inspections shall be to verify that activities are in accordance with obligations under the Convention and with the information provided in declarations. Particular aims of inspections shall include verification of the absence of:

(i) any Schedule 1 chemical;

(ii) non-declared chemicals listed in Schedules 2 or 3 above thresholds for declarations

3. Inspection procedures

Inspections shall be carried out in accordance with agreed guidelines and other relevant provisions of the Protocol on Inspections Procedures and the Annex on the Protection of Confidential Information.

OTHER RELEVANT FACILITIES TO BE COVERED UNDER ANNEX 3 TO ARTICLE VI

During the 1991 session of the Ad Hoc Committee, consultations were held on the delimitation of other facilities to be covered under Annex 3 to Article VI.

It appears to the Friend of the Chair that the different proposals put forward by delegations during the discussion should be combined into two tentative general solutions.

The second approach, as presented hereafter, includes first a composite technical definition, taking into account the contents of the three proposed narrow options. The range of facilities to be covered under this approach is reflected by solutions 2A and 2B below, which need to be further reconciled.

The two tentative solutions clearly do not commit any delegation, but represent, as viewed by the Friend of the Chair at this juncture, the two main ways of thinking on that issue, and a basis for further consideration. However, one could argue that it will be possible to bring these solutions closer together.

* * *

The other relevant facilities to be covered under Annex 3 to Article VI could be included as follows:

Solution 1

- plants that produced during the previous calendar year or are anticipated to produce in the next calendar year more than 30 metric tonnes of a discrete organic chemical. 1/

1/ A view was expressed that the present scope should be complemented by other criteria, such as for example toxicity of produced chemicals; actual production of organic chemicals containing phosphorus, sulphur, fluorine, chlorine or arsenic.

Solution 2A

- plants that produced [by synthesis] 1/ during the previous calendar year, or are anticipated to produce [by synthesis] in the next calendar year, more than an aggregate of 30 metric tonnes 2/ of an organic chemical in any one or more of the following four categories (A-D), that contains:

A. (1) [phosphorus.] [one or more carbon-phosphorus bonds (C-P)]; or

(2) [phosphorus and nitrogen.] [one or more nitrogen-phosphorus bonds (N-P);] or

(3) [phosphorus and sulphur.] [one or more phosphorus-sulphur-carbon bonds (P-S-C);] or

(4) both phosphorus and [fluorine] [a halogen]; or

[(5) one or more phosphorus-oxygen-carbon bonds (P-O-C) except where phosphorus exists solely as a phosphate or phosphite.]

or

B. [both] sulphur [and nitrogen or chlorine] [and a halogen, except where the halogen exists solely as a hydrochloride or the sulphur exists solely as sulphonyl (SO_2) or sulphate (SO_4)];

or

C. [fluorine.] both nitrogen and [chlorine] [a halogen, except where the nitrogen exists solely in a nitrite (NO_2), nitrate (NO_3), or ammonium (NH_4) radical or the halogen exists solely as a hydrochloride];

or

D. [one or more of the heavy metals tin, lead, or] arsenic and [halogen] [chlorine], [such as halogenated triethyl-lead or trialkyl-tin].

Solution 2B

- plants that have a production capacity of more than [...] tonnes of a discrete organic chemical containing the elements phosphorus, fluorine or sulphur [or those involving the processes of phosphorylation, fluorination or sulphurylation,] identical to those chemicals included in Schedule 1 as well as in Schedule 2.

1/ A view was expressed that "synthesis" is covered by the definition of "production" in Article II.

2/ The view was expressed that the threshold should be higher than 30 metric tonnes.

MODELS FOR AGREEMENTS

A. MODEL FOR AN AGREEMENT RELATING TO FACILITIES PRODUCING, PROCESSING OR CONSUMING CHEMICALS LISTED IN SCHEDULE 2

1. Information on the facility producing, processing, or consuming chemicals listed in Schedule 2

(a) Identification of the site and the facility

(i) Site identification code

(ii) Name of the complex/site

(iii) Owner(s) of the complex/site on which the facility is located

(iv) Name of the company/enterprise operating the facility

(v) Exact location of the facility

(1) Address and location (geographic coordinates) of the headquarter building(s) of the site/complex

(2) Location (including the geographic coordinates, specific building and structure number) of the plant/reactor within the site/complex

(3) Location(s) of the relevant building(s)/structure(s) comprising the facility within the site/complex.

These might include:

(a) Headquarters and other offices

(b) Operation Process Unit

(c) Storage/handling areas for feedstock and product

(d) Purification equipment

(e) Effluent/waste handling/treatment area

(f) All associated and interconnecting pipework

(g) Control/analytical laboratory

(h) Warehouse storage

(i) Records associated with the movement of the declared chemical and its feedstock or product chemicals formed from it, as appropriate, into, around and from the site

(j) Medical centre

(vi) Other areas to which Inspectors have access.

(b) Detailed technical information

Design information to be obtained during the initial visit should, as relevant, include:

(i) Data on the production process (type of process: e.g. continuous or batch; type of equipment; the technology employed; process engineering particulars)

(ii) Data on processing with conversion into another chemical (description of the conversion process, process engineering particulars and end-product)

(iii) Data on processing without chemical conversion (process engineering particulars, description of the process and the end-product, concentration of processed chemical in the end-product)

(iv) Data on feedstocks used in the production of processing of declared chemicals (type and capacity of storage)

(v) Data on product storage (type and capacity of storage)

(vi) Data on waste/effluent treatment (disposal and/or storage; waste/effluent treatment technology; recycling)

(vii) Data on clean-up procedures and general maintenance and overhauls

(viii) Plan of the complex/site showing the location of the facility as defined in paragraph 1 (a) (v) and other areas as specified in paragraph 1 (a) (vi), including, with functions specified, for example, all buildings, structures, pipework, roads, fences, mains electricity, water and gas points

(ix) Diagram indicating the relevant material flow and sampling points at the facility.

(c) Data on safety and health measures on-site

(d) Identification of the required degree of confidentiality for information provided during the elaboration of the agreement.

2. Specific facility health and safety rules and regulations to be observed by Inspectors

3. Inspections

On-site inspection activities may include, but shall not necessarily be restricted to, the following:

(i) Observation of any and all activities at the facility including safety measures

(ii) Identification and examination of any and all equipment at the facility

(iii) Identification, verification and registration of any technological or other changes in comparison with the detailed technical information ascertained when the facility agreement was worked out

(iv) Identification and examination of documentation and records

(v) Installation, review, servicing, maintenance and removal of monitoring equipment and seals

(vi) Identification and validation of measuring and other analytical equipment (examination and calibration using, as appropriate, independent standards)

(vii) Taking of analytical samples and their analysis

(viii) Investigation of indications of irregularities.

4. Monitoring with instruments on-site

(a) Specification of items and their locations

(i) Instruments supplied by the Technical Secretariat

(ii) Instruments at/supplied by the facility

(b) Installation of the instruments and seals, as appropriate

(i) Time schedule

(ii) Advance preparations

(iii) Assistance provided by the facility during installation

(c) Activation, initial testing and certification

(d) Operation

- (i) Operating mode
- (ii) Routine testing provisions
- (iii) Service and maintenance
- (iv) Measures in case of malfunctions
- (v) Replacement, modernization and removal

(e) Responsibilities of the State Party

5. Instruments and other equipment to be used during the inspections

(a) Instruments and other equipment brought in by the Inspectors

- (i) Description
- (ii) Examination, as appropriate, by the facility
- (iii) Use

(b) Instruments and other equipment provided by the State Party

- (i) Description
- (ii) Testing, calibration and examination by the Inspectors
- (iii) Use and maintenance

6. Sample-taking, on-site analysis of samples

(a) Identification of routine sampling points from

- production or process unit
- stocks, including warehouse, feedstock, storage

(b) Other sample-taking (including wipe samples, environmental and waste/effluent samples)

(c) Sample-taking/handling procedures

(d) On-site analyses (e.g. provisions concerning on-site/in-house analyses, analytical methods, sensitivity and accuracy of analyses)

7. Removal of samples from the facility

(a) in-house analysis off-site

(b) other

8. Records and other documentation

(1) Records

- (a) Accounting records e.g., quantities of all relevant chemicals moved on to and off site
- (b) Operating records e.g., quantities of chemicals moved through the process unit
- (c) Calibration records as appropriate.

(2) Other documentation

(3) Location of records/documentation

(4) Access to records/documentation

(5) Language of records/documentation

9. Confidentiality

Identification of the required degree of confidentiality for information obtained during the inspection;

10. Services to be provided

Such services may include, but shall not necessarily be restricted to the following:

- (a) Medical and health services
- (b) Office space for Inspectors
- (c) Laboratory space for Inspectors

(d) Technical assistance

(e) Communications

(f) Power and cooling water supplies for instruments

(g) Interpretation services

For each type of services, the following information shall be included:

(a) The extent to which that service shall be provided

(b) Points of contact at the facility for the service

11. Updating, changes and revisions of the agreement

12. Other matters

Explanatory note

During the review of the Model for an Agreement relating to facilities producing, processing or consuming chemicals listed in Schedule 2 the words facility, plant, operating process unit, site and complex have been understood as follows:

1. Site. An area, whether or not within a retaining boundary, which is under the operational control of the HQ defined in para. 1 (a)(v)(1). A site may contain one or more plants.

2. Complex. A large area comprising a number of autonomous sites which are not necessarily under the same operational control. There is doubt about the validity of this concept for this model for agreement.

3. Plant. A relatively self-contained area/structure located on a site in which the production, processing or consumption of a particular type of chemical occurs (e.g., an organophosphorus plant, a packaging plant), or where particular types of operating units are grouped e.g., a multi-purpose plant. A plant may contain one or more operating process units.

4. Operating Process Unit. The central array of equipment in a particular plant wherein the declared chemical is produced, processed or consumed. This might include reactor vessel, distillation and condenser units.

5. Facility. All structures and buildings (referred to in para. 1 above) associated with the production, consumption and processing of the declared chemical.

These might include:

(a) Headquarters and other offices;

(b) Operation Process Unit;

(c) Storage/handling areas for feedstock and product;

(d) Purification equipment;

(e) Effluent/waste handling/treatment area;

(f) All associated and interconnecting pipework;

(g) Control/Analytic laboratory;

(h) Warehouse storage;

(i) Records associated with the movement of the declared chemical and its feedstock or product chemicals formed from it, as appropriate, into, around and leaving the site;

(j) Medical centre.

B. MODEL FOR AN AGREEMENT RELATING TO SINGLE SMALL-SCALE FACILITIES 1/

Proposal by the Coordinator of Cluster IV for the 1987 session

1. Information on the single small-scale facility

(a) Identification:

(i) Facility identification code;

(ii) Name of the facility;

(iii) Exact location of the facility;

If the facility is located within a complex, then also:

- Location of the complex;
- Location of the facility within the complex, including the specific building and structure number, if any;
- Location of relevant support facilities within the complex, e.g. research and technical services, laboratories, medical centres, waste treatment plants;
- Determination of the area(s) and place(s)/site(s) to which Inspectors shall have access.

(b) Detailed technical information:

(i) Maps and plans of the facility, including site maps showing, with functions indicated, for example, all buildings, pipework, roads, fences, mains electricity, water and gas points, diagrams indicating the relevant material flow at the designated facility and data on infrastructure for transportation;

(ii) Data on each production process (type of process, type of equipment, technology employed, production capacity, process engineering particulars);

(iii) Data on the feedstocks used (type of feedstock, storage capacity);

1/ Prepared by Lt. Col. Bretfeld, German Democratic Republic; Dr. Cooper, United Kingdom; Dr. Lau, Sweden; and Dr. Santesson, Sweden.

(iv) Data on the storage of the chemicals produced (type and capacity of storage);

(v) Data on waste treatment (disposal and/or storage, waste treatment technology, recycling).

(c) Specific facility health and safety procedures to be observed by Inspectors;

(d) Dates:

(i) Date when the initial inspection took place;

(ii) Date(s) when additional information was provided.

(e) Storage of information:

Identification of which information, provided about the facility under paragraph 1, shall be kept by the Technical Secretariat under lock and key at the facility.

2. Number and modalities of inspections

The number and modalities of inspections shall be decided by the Technical Secretariat on the basis of guidelines.

3. Inspections

On-site inspection activities may include, but shall not necessarily be restricted to, the following:

(i) Observation of any and all activities at the facility;

(ii) Examination of any and all equipment at the facility;

(iii) Identification of technological changes in the production process;

(iv) Comparison of process parameters with those ascertained during the initial visit;

(v) Verification of chemical inventory records;

(vi) Verification of equipment inventory records;

(vii) Review, servicing and maintenance of monitoring equipment;

(viii) Identification and validation of measuring equipment (examination and calibration of measuring equipment, verification of measuring systems using, as appropriate, independent standards);

(ix) Application, examination, removal and renewal of seals;

(x) Investigation of indicated irregularities.

4. Monitoring system

(a) Description of items and their location:

(i) Sensors and other instruments;

(ii) Data transmission system;

(iii) Ancillary equipment;

(iv) ...

(b) Installation of the system:

(i) Time schedule;

(ii) Advance preparations;

(iii) Assistance to be provided by the State Party during installation.

(c) Activation, initial testing and certification;

(d) Operation:

(i) Regular operation;

(ii) Routine tests;

(iii) Service and maintenance;

(iv) Measures in case of malfunctions;

(v) Responsibilities of the State Party.

(e) Replacement, modernization.

5. Temporary closure

(a) Notification procedure;

(b) Description of the types of seals to be used;

(c) Description of how and where seals shall be fixed;

(d) Provisions for surveillance and monitoring.

6. Instruments and other equipment to be used during inspections

(a) Instruments and other equipment installed or brought in by Inspectors:

- (i) Description;
- (ii) Testing, calibration and examination by the State Party;
- (iii) Use.

(b) Instruments and other equipment to be provided by the State Party:

- (i) Description;
- (ii) Testing, calibration and examination by Inspectors;
- (iii) Use and maintenance.

7. Sample-taking, on-site analyses of samples and on-site analysis equipment

(a) Sample-taking from production;

(b) Sample-taking from stocks;

(c) Other sample-taking;

(d) Duplicates and additional samples;

(e) On-site analyses (e.g. provisions concerning on-site/in-house analyses, analytical methods, equipment, precision and accuracy of analyses).

8. Records. The records to be examined shall be determined after the initial visit and shall include the following:

(a) Accounting records;

(b) Operating records;

(c) Calibration records.

The following shall be determined on the basis of the initial visit:

(a) Location and language of records;

(b) Access to records;

(c) Retention period of records.

9. Administrative arrangements

(a) Preparations for the arrival and departure of Inspectors;

(b) Transport of Inspectors;

(c) Accommodation for Inspectors;

(d) ...

10. Services to be provided [1]

Such services may include, but shall not necessarily be restricted to, the following:

(a) Medical and health services;

(b) Office space for Inspectors;

(c) Laboratory space for Inspectors;

(d) Technical assistance;

(e) Telephone and telex;

(f) Power and cooling water supplies for instruments;

(g) Interpretation services.

For each type of service, the following information shall be included:

(a) The extent to which that service shall be provided;

(b) Points of contact at the facility for the service.

11. Other matters

12. Revisions of the agreement

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[1] The question of charges for the services needs to be discussed.

C. MODEL FOR AN AGREEMENT RELATING TO CHEMICAL WEAPONS STORAGE FACILITIES 1/

Proposal by the Coordinator of Cluster IV for the 1987 session

1. Information on the storage facility

(a) Identification:

(i) Storage facility identification code;

(ii) Name of the storage facility;

(iii) Exact location of the storage facility.

(b) Dates:

(i) Date of the initial verification of the Declaration of the facility;

(ii) Date(s) additional information provided.

(c) Layout:

(i) Maps and plans of the facility, including:

- boundary map to show entrances, exits, nature of boundary (e.g. fence);
- site maps to include locations of all buildings and other structures, bunkers/storage areas, fences with access points indicated, mains electricity and water points, and infrastructure for transports including loading areas;

(ii) Details of the construction of bunkers/storage areas which might be of relevance for verification measures;

(iii) ...

(d) Detailed inventory of the contents of each bunker/storage area;

(e) Specific facility health and safety procedures to be observed by Inspectors.

1/ Prepared by Lt. Col. Bretfeld, German Democratic Republic; Dr. Cooper, United Kingdom; Dr. Lau, Sweden; and Dr. Santesson, Sweden.

2. Information relating to the transport of chemical weapons from the facility

(a) Detailed description of loading area(s);

(b) Detailed description of loading procedures;

(c) Type of transport to be used, including construction details relevant to verification activities, e.g. where to place seals;

(d) ...

3. Number and modalities of systematic inspections, etc.

The number and modalities of systematic inspections will be decided by the Technical Secretariat on the basis of guidelines.

4. Inspections

(a) Systematic on-site inspections:

Systematic on-site inspection activities may include, but are not necessarily restricted to, the following:

(i) Application, examination, removal and renewal of seals;

(ii) Review, servicing and maintenance of monitoring equipment;

(iii) Verification of the inventory of randomly selected sealed bunkers/storage areas:

- Percentage of bunkers/storage areas to be verified during each systematic on-site inspection.

(b) On-site inspections of transports from the facility:

On-site inspections of transports of chemical weapons from the storage facility may include, but are not necessarily restricted to, the following:

(i) Application, examination, removal and renewal of any seals relevant to the transportation of chemical weapons;

(ii) Verification of the inventory of bunkers/storage areas from which chemical weapons are to be transported;

(iii) Observation of the loading procedure and verification of items loaded;

(iv) Adjustment/realignment of the coverage of the monitoring system.

(c) Inspections to resolve indicated irregularities (ad hoc inspections):

Ad hoc inspection activities may include, but are not necessarily restricted to, the following:

- (i) Investigation of indicated irregularities;
- (ii) Examination, removal and renewal of seals;
- (iii) Verification as required of the inventory of bunkers/storage areas.

(d) Continuous presence of Inspectors:

The activities of continuously present Inspectors may include, but are not necessarily restricted to, the following:

- (i) Application, examination, removal and renewal of seals;
- (ii) Verification of the inventory of any selected sealed bunkers/storage areas;
- (iii) Observation of any and all activities at the storage facility, including any handling of stored chemical weapons for the purpose of transport from the storage facility.

5. Seals and markers

(a) Description of types of seals and markers;

(b) How and where seals are to be fixed.

6. Monitoring system

(a) Description of items and their locations:

- (i) Sensors and other instruments;
- (ii) Data transmission system;
- (iii) Ancillary equipment;
- (iv) ...

(b) Installation:

- (i) Time schedule;
- (ii) Advance preparations at the storage facility;
- (iii) Assistance to be provided by the State Party during installation.

(c) Activation, initial testing and certification:

(d) Operation:

- (i) Regular operation;
- (ii) Routine tests;
- (iii) Service and maintenance;
- (iv) Measures in case of malfunctions;
- (v) Responsibilities of the State Party.

(e) Replacements, modernizations;

(f) Dismantling and removal.

7. Provisions governing instruments and other equipment to be used during inspections

(a) Instruments and other equipment brought in by Inspectors:

- (i) Description;
- (ii) Testing, calibration and examination by the State Party;
- (iii) Routine use.

(b) Instruments and other equipment to be provided by the State Party:

- (i) Description;
- (ii) Testing, calibration and examination by Inspectors;
- (iii) Routine use and maintenance.

8. Provisions governing sample-taking, on-site analyses of samples and on-site analysis equipment

(a) Sample-taking from munitions, notably the standardization of methods for each different type of munition present at the facility;

(b) Sample-taking from bulk stocks;

(c) Other sample-taking;

(d) Duplicates and additional samples;

(e) On-site analyses (e.g. provisions concerning on-site/in-house analyses, analytical methods, equipment, precision and accuracy of analyses).

9. Administrative arrangements

(a) Preparations for arrival of Inspectors;

(b) Transport for Inspectors;

(c) Accommodation for Inspectors;

(d) ...

10. Services to be provided 1/

Such services should include, but are not necessarily restricted to, the following:

- medical and health services;
- office space for Inspectors;
- laboratory space for Inspectors;
- technical assistance;
- telephone and telex;
- power and cooling water supplies for instruments;
- interpretation services.

For each type of service, the following information should be included:

- the extent to which that service is to be provided;
- point of contact at the facility for the service.

11. Amendments and revisions of the agreement
(e.g. changes in loading procedures, types of transport, analytical methods)

12. Other matters

1/ The question of charges for the services needs to be discussed.

ARTICLE VIII

THE EXECUTIVE COUNCIL

Composition, procedure and decision-making

18. (a) The Executive Council shall be composed of [30] [25] States Parties to the Convention elected by the Conference of the States Parties for a two-year term. Each State Party is eligible to serve on the Executive Council. A retiring member may be re-elected [for not more than two additional terms]. Each member of the Executive Council shall have one representative on the Council who may be accompanied by alternates and advisers.

[The size of the Executive Council may be altered, if the need arises. A decision to this effect shall be taken by the Conference of the States Parties on the recommendation of the Executive Council.]

(b) The members of the Executive Council shall be [elected 1/] by the Conference of the States Parties on the basis of ... 2/

(c) The Executive Council shall be so organized as to be able to be convened at any time and on short notice.

1/ The view was expressed that the question of election requires further discussion.

2/ Several criteria were suggested to serve as a basis for selection of members.

No objections were raised to the criterion of equitable geographic distribution. However, in the view of a number of delegations, this criterion could be included only together with industrial criterion.

The industrial criterion, as such, was not objected to either, while different views were expressed concerning its application (on a global or regional level or in combination). However, in the view of some other delegations, the inclusion of the industrial criterion would require also the inclusion of other additional criteria such as ability to transfer technology to developing countries, population and the political interest in the effective implementation of the Convention.

Many delegations believed that all other criteria should be considered as secondary to the geographic one.

The discussion was not conclusive and further work is needed on this paragraph.

(d) The Chairman of the Executive Council shall serve for a term of [one] [six] [twelve] month[s]. 1/

(e) Each member of the Executive Council shall have one vote.

(f) A two-thirds majority of the members of the Executive Council shall constitute a quorum.

(g) The Executive Council shall take decisions on questions of procedure by a simple majority of [all] its members [present and voting]. Unless otherwise specified in the Convention, decisions on matters of substance should be taken as far as possible by consensus. If consensus is not reached when an issue comes up for decision, the Chairman shall defer any vote for 24 hours and during this period of deferment shall make every effort to facilitate achievement of consensus and shall report to the members of the Executive Council prior to the end of the period. If consensus is not possible at the end of 24 hours, the Executive Council shall take the decision by a [two-thirds] majority of [all] its members [present and voting]. When the issue arises as to whether the question is one of substance or not, that question shall be treated as one of substance unless otherwise decided by the Executive Council by the majority required for decisions on questions of substance.

(h) At its request, or in other cases in conformity with the provisions of the Convention, any State Party to the Convention which is not a member of the Executive Council may participate, without vote, in the discussion of any question brought before the Executive Council.

1/ It is understood that this paragraph should be placed after paragraph 20 (i) (ii) in Article VIII.

DRAFT PROVISION ON FINANCE 1/

1. All States Parties undertake to contribute to the budget of the Organization.

2. The Conference of the States Parties shall determine the contributions:

- [in accordance with the United Nations scale of assessment],
- [guided by the principles for allocation of costs for Member States' contributions to the United Nations regular budget],

taking into account differences in membership between the United Nations and this Convention [and the chemical industrial capacity of States Parties]. 2/

[3. States Parties declaring under Articles IV and V, will bear [the entire] [X per cent of the] costs of verification under such Articles. [The remaining cost shall be borne by all other States Parties in accordance with paragraph 2]. 3/

or

No exception to the general rule under paragraph 2 for costs of verification of destruction of chemical weapons and chemical weapons production facilities]. 4/ 5/

1/ The question of dividing the budget in two parts, (i.e. administrative and other expenses), as well as the options of financing and other budgetary provisions, are to be further discussed.

2/ A view was expressed that costs of verification of Article VI should be proportionally borne by the declaring States. Another view was expressed that cost sharing of Article VI should be determined taking into account the interest of all States Parties that permitted activities under the Convention are duly verified.

3/ A view was expressed that the question of the cost of verification of destruction of old and abandoned chemical weapons should be given appropriate consideration.

4/ A view was expressed that the allocation of costs of verification under Articles IV and V might take into account the verification efforts undertaken by the States Parties responsible for destruction.

5/ A view was expressed that, in case of abuse of challenge inspection, the requesting State shall bear the cost of the inspection.

4. Financial contributions of States Parties to the Preparatory Commission shall be deducted in an appropriate way from their contributions to the regular budget.

[5. The Conference of the States Parties may, on request by the State Party concerned, decide to grant, in all or in part, temporary exemptions from contributions to [developing countries and in particular] the "least developed countries" belonging to the United Nations classification [which do not possess any significant chemical industry]].1/

1/ A view was expressed that a State Party which is in arrears in the payment of its financial contribution for two consecutive years should have no vote. It was, however, noted that such a provision should be placed elsewhere.

CLASSIFICATION SYSTEM OF CONFIDENTIAL INFORMATION 1/

During the verification activities under the Chemical Weapons Convention the proper balance should be observed between the degree of intrusiveness and the need to protect confidential information. Only when necessary data reporting and verification should rely on confidential information. Its handling shall not be in conflict with the existing international legal norms, namely with regard to the protection of intellectual property. In drawing the rules for handling and protection of confidential information the Director-General of the Technical Secretariat shall use the following classification, establishing the level of confidentiality of information:

(a) Information, which could be released for public use through the official reports of the Organization to the United Nations or other institutions or upon request to States Non-Parties to the CWC, various organizations or individuals. The Executive Council shall determine the general parameters covering the release of information for public use, within which the Director-General of the Technical Secretariat shall consider and decide upon individual requests. Requests going beyond these parameters shall be referred to the Executive Council for decision. However, information from other classifications related to specified States Parties shall not be made public without the consent of the State Party concerned. The Director-General may disseminate any other information in accordance with a request by a State Party to which the information refers. This category shall cover, i.a., general information on the course of the implementation of the Convention;

(b) Information with distribution limited to States Parties to the Convention. The main source of such information will be the Initial and Annual Declarations on the aggregate quantities of chemicals produced and number of facilities operating in individual States Parties. Data of such nature might be included in the reports to various bodies of the Organization. States Parties shall have easy access to such information and shall treat it as confidential (e.g. not to be offered to press). A routine distribution of this information shall be made to the Executive Council members and to the Technical Secretariat. Data, not contained in the regular reports, might be requested by States Parties. The Director-General shall respond positively to such requests, unless they contravene the agreed rules for the classification of confidential information;

(c) Information limited to the Technical Secretariat, to be used primarily for the planning, preparation and carrying out of verification activities. This category shall comprise mainly detailed, facility-related information, obtained from the relevant declarations, facility attachments and

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1/ This material shall be transferred to the Preparatory Commission/ Director-General of the Technical Secretariat for consideration in the elaboration of relevant regulations.

conclusions from on-site inspections. The Director-General shall regulate the access to such information by the Technical Secretariat personnel on the "need-to-know" basis. Respect by the International Inspectorate and other Technical Secretariat personnel for confidential nature of information obtained will be ensured through contracts or appropriate recruitment and employment procedures as well as agreed measures applied against the Technical Secretariat staff in case of breach of rules for the protection of confidential information. Most sensitive information might be stored under code numbers rather than names of countries and facilities. Information, achieved through generalization of the facility-related data, could be, in accordance with the agreed procedure, released for use by States Parties;

(d) Most sensitive kind of confidential information, containing data required only for the actual performance of an inspection like, e.g. blueprints, specific data related to technological processes, types of records. Such information shall be limited to justified needs for protection of technological know-how and shall only be available to inspectors on the site. It shall not be taken from the premises.

* * *

The rules for classifying and handling of confidential information should contain sufficiently clear criteria ensuring:

- inclusion of information into appropriate category of confidentiality;
- establishing justified durability of confidential nature of information;
- rights of States Parties providing confidential information;
- procedures allowing, if necessary, to move a kind of information from one confidentiality category to another;
- modifications, when necessary, of procedures for handling individual categories of information.

Reservations 1/

1. No reservations or exceptions, however phrased or named, [including interpretative statements or declarations], may be made to this Convention [unless expressly permitted by other provisions of the Convention].

2. The provision in paragraph 1 above does not preclude a State when signing, ratifying or acceding to this Convention, from making statements or declarations, however phrased or named, provided that such statements or declarations do not purport to exclude or to modify the legal effect of the provisions of this Convention in their application to that State.

- or alternatively -

This Convention shall not be subject to reservations.

Status of Annexes

The subject needs further discussion.

1/ The view was expressed that the concerns of a State Party should be dealt with during the negotiations of the Convention so that reservations will not be necessary. Thus, the reservations issue should be dealt with at a further stage in the negotiations.

Material on the Preparation Period

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I. OBJECTIVE OF WORK

1. The general objective of the work connected with the preparation period is to ensure:

(a) the entering into force of the Convention without undue delay, and to create the conditions necessary for its implementation from the very beginning;

(b) the promotion of a universal adherence to the Convention. 1/

II. MEASURES CONNECTED WITH THE NEGOTIATIONS

1. The provision of relevant data will be instrumental for the elaboration of procedures, the identification of thresholds and the assessment of costs.

States should be encouraged to participate in the exchange of such information. Further discussion to increase the compatibility of such information might be necessary. The outline for the provision of data to the Preparatory Commission, as contained in attachment 2, could be used as starting point for such a discussion.

2. The transmission of material not being part of the text of the Convention to the Preparatory Commission has to be arranged for in advance.

A register should be established by the Secretariat of the Ad hoc Committee, which will include documents relevant to the further preparation of the implementation of the Convention. An example for the possible structure of such a register is comprised in attachment 3.

III. INFORMATION AND COOPERATION REQUIREMENTS OF SIGNATORIES PRIOR TO THE ENTRY INTO FORCE OF THE CONVENTION

The work to be accomplished by the Preparatory Commission will be complex and manifold. The correct functioning of the implementation mechanism of the Convention will depend to a large extent on the results which this body will achieve in the course of its activities. The contributions of signatories to the Convention will be instrumental to this end. 2/

1/ Further consideration of specific activities on this subject will be necessary.

2/ See the attachment 1 on preparation activities.

The following requirements will have to be met:

1. Information on the progress of the ratification process

2. Information on

CW stockpile facilities

CW production facilities

CW destruction facilities

Production of chemicals included in Schedules 1, 2, 3 [1]

National Authorities

3. Cooperation in the following fields:

acquisition and testing of instruments and devices for monitoring and inspection activities;

designation of instruments for routine and challenge inspection;

designation and installation of off-site laboratories and elaboration of respective procedures;

preparation for the designation of inspectors;

training of inspectors for verification activities (routine and challenge inspection);

prenegotiation of facility agreements related to facilities to be inspected under Articles IV, V and VI;

preparation for designation of points of entry.

4. In order to ensure that these requirements will be met in the appropriate time-frames, concrete arrangements might be necessary. [2]

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[1] An outline for the provision of such data is attached to this paper.

[2] The legal status of the Preparatory Commission and the obligations of States Signatories thereto needs further consideration.

ATTACHMENT 1

Overview of some activities of the Organization to be carried out after entry into force of the Convention, the ensuing preparatory work to be accomplished prior to this date and the information and cooperation requirements arising for signatories

Provision	Activity of the Organization	Time to start after entry into force	Preparatory work	Information and cooperation requirements
III, IV, V	Declarations to receive, compile and distribute to States Parties *i.e.* general and detailed declarations on CW stocks, CW production facilities, general and detailed plans for CW destruction and destruction/ conversion of production facilities	30 days 6 months or 9 months	Establishment of administrative framework for declaration and data as well as preparation for the study, compilation and dissemination of data and declaration to States Parties and other units of the Secretariat	Information on the progress in the process of ratification to enable planning for the date when the Convention enters into force
VI	Declarations on activities not prohibited by the Convention (relevant chemicals and facilities which produce, process or consume them)	30 days resp. annually		
IV (3)	Verification of declaration on CW at the location of each stockpile	Immediately after 30 days	Recruitment and training of (...) inspectors & supporting staff	Information on CW stocks, their size and number of locations
IV (3)	Verification of non-removal of CW-stockpiles (continuous presence of inspectors and monitoring with instruments)	30 days/ continuously	Development and procurement of monitoring instruments and devices for the inventory control procedure	Acquiring and testing of monitoring instruments and devices

ATTACHMENT 1 (continued)

IV (6)	Verification of destruction (continuous presence of inspectors and monitoring with instruments during active destruction phase)	After 1 year or earlier until the end of destruction	Recruitment and training of (...) inspectors & supporting staff, development and procurement of instruments	Number of destruction facilities. Approximate time of operation, operation schedules, acquiring and testing of instruments and devices
V (5)	Verification of declarations of CW production facilities	Immediately after 30 days	Recruitment and training of (...) inspectors & supporting staff	Information on CW production facilities, their number and location
V (6)	Inspection and continuous monitoring of closure of CW production facilities (periodic & on-site instruments)	3 months until destruction	See above & development and procurement of instruments	See above & acquiring and testing of instruments
V (8)	International verification of destruction of CW production facilities	Not later than 12 months until the end of destruction	Recruitment and training of (...) inspectors & supporting staff	Support in training activities
V (9)	International verification of temporary conversion of a CW production facility into a CW destruction facility	See above	See above	Information about intention of conversion
VI Annex VI (1) II, 4	Initial visits to SSPFs and "other facilities"	Immediately after 30 days	Recruitment and training of (...) inspectors & supporting staff	Information on SSPFs and "other facilities" in operation upon entry into force
	Systematic on-site verification of SSPFs and "other facilities" through on-site inspection and monitoring with instruments	Immediately after 30 days	See above & development and procurement of instruments	See above & acquiring and testing of instruments

ATTACHMENT 1 (continued)

VI Annex VI (2), 9	Initial visits	Immediately after 30 days	Recruitment & training of (...) inspectors & supporting staff development and procurement of instruments	Information on facilities producing, processing or consuming chemicals listed in Schedule (2), acquiring and testing of instruments
Annex VI (2), 5	Systematic on-site verification on routine basis			
IV Annex IV, II, 3	Conclude agreements concerning storage facilities	Within (6) months	Establishment of administrative framework for agreements and negotiations, further refinement of models for agreements, prenegotiation of such agreements with States Parties which will be needed during the first year	Prenegotiation of agreements on facilities under Articles IV, V, VI respectively with the Preparatory Commission
IV Annex IV, V, 5	Conclude agreements concerning on-site verification of CW destruction facilities resp. combined plans for destruction and verification	Earlier than 12 months		
V Annex V, V, 2	Conclude agreements concerning on-site verification of declarations and systematic monitoring of closure and verification of destruction of CW production facilities	Within (6) months	See above	See above
VI Annex VI (1), II, 5	Conclude agreements concerning on-site verification of SSPFs and "other facilities"	Immediately after 30 days	Further elaboration of the model for an agreement, prenegotiation of agreements with signatories	Prenegotiation of agreements with the Preparatory Commission

ATTACHMENT 1 (continued)

VI Annex VI (2), 11	Conclude agreements concerning on-site verification of facilities producing etc. chemicals listed in Schedule (2)	(6) months	Prenegotiation of agreements with signatories	Prenegotiation of agreements with the Preparatory Commission
IV Annex IV, II, 7 and V, 7 VI (2) 14	Samples analysis in off-site laboratories designated by the Organization	Immediately after 30 days	Setting up a scheme of standardized equipment for off-site laboratories, designation of off-site laboratories and procedures for transport and handling of samples	Cooperation in the designation of off-site laboratories, installation of such laboratories pursuant to the schemes of the Preparatory Commission
Guidelines on the International Inspectorate (routine and challenge)	Designation of inspectors and inspection personnel	Immediately	Indication to signatories which inspectors are chosen for designation	Indication to the Preparatory Commission whether the inspectors might be acceptable
	Agreement on points of entry	Immediately	Preliminary agreement	Preliminary agreement
IX, 2	Carrying out of challenge inspections	Immediately	Training of inspectors for challenge inspections	Support in training activities
IX, 2	Designation of instruments for purposes of challenge inspection	Immediately	Development, procurement, testing, preliminary designation	Acquiring and testing of instruments
VII	Communicate with National Authorities	Immediately	Preparation of a list of names, addresses, communication lines	Providing data on National Authorities

ATTACHMENT 2

Nature of data to be submitted

Such data would include, inter alia:

1. Information on CW stockpile facilities

   - number of facilities
   - size of each facility (agent tons, square km)
   - aggregate amount (agent tons)

2. Information on CW production facilities

   - number of facilities
   - preliminary plans for their destruction

3. Information on CW destruction facilities

   - number of facilities
   - preliminary plans for the destruction of CWs
   - (time-frames for the first active destruction phase)

4. Production of Schedule-1-chemicals

4.1 Information on SSF

   - location of the facility

4.2 Information on "other facilities" producing above 100 g

   - number of facilities
   - location of the facilities

5. Production etc. of Schedule-2-chemicals

   - number of facilities
   - location of the facilities
   - names of chemicals produced etc. at each facility
   - production etc. amount per annum at each facility (in ranges)

6. Production etc. of Schedule-3-chemicals

   - number of facilities
   - location of the facilities
   - names of chemicals produced etc. at each facility
   - production etc. amount per annum at each facility (in ranges)

7. Others

ATTACHMENT 3

Possible structure of a register for material of relevance for the further preparation and eventual implementation of the Convention

(A) Documents tentatively agreed upon, but not forming part of the draft (possible example: model for agreements on facilities).

(B) Recorded understandings related to the work of the Preparatory Commission and/or the Organization.

(C) Problems on which further work is required after the negotiations have been terminated.

(D) Information on intentions of Governments concerning voluntary contributions for the Preparatory Commission, the Organization and States to assist in the preparation of the implementation of the Convention.

(E) Studies, data-base, technical expertise related to the activities of the Organization in the implementation process (example: experience on trial inspections, data provided).

(F) Other documents.
